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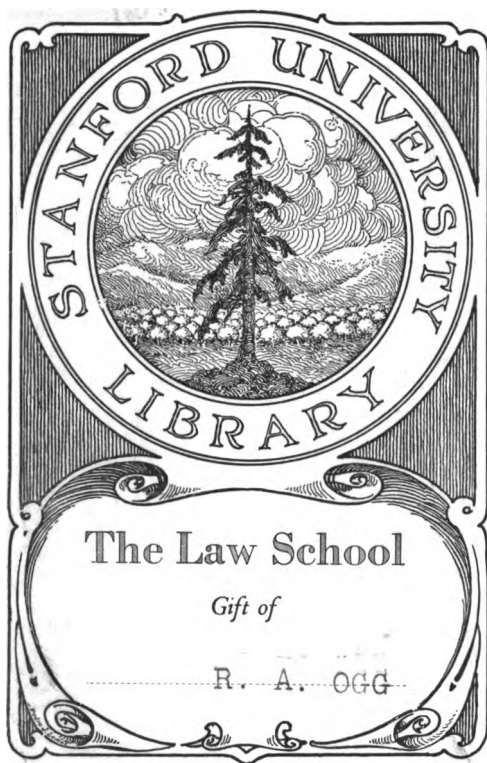
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THE
JOURNAL OF THE SENATE

DURING THE
EXTRA SESSION

OF THE
THIRTY-SEVENTH LEGISLATURE OF THE STATE OF CALIFORNIA,

1907.

Began on Tuesday, November Nineteenth, and Ended on Saturday,
November Twenty-third, Nineteen Hundred and Seven.



SACRAMENTO

**W. W. SHANNON, : : : : SUPERINTENDENT STATE PRINTING
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CALIFORNIA LEGISLATURE—SENATE.

THIRTY-SEVENTH (EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,

Tuesday, November 19, 1907.

The Senate met at ten o'clock A. M., in pursuance to the proclamation of His Excellency J. N. Gillett, Governor of the State of California, dated November 15, 1907, convening the Legislature of the State of California in extraordinary session.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair, by virtue of Section 238, Article II, of the Political Code.

Pursuant to Section 237, of Article II, of the Political Code, Lewis A. Hilborn, Secretary of Senate; G. Ray Horton, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant-Governor Warren R. Porter now called the Senate to order.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—34.

Quorum present.

LEAVES OF ABSENCE.

Senator Miller was, on motion of Senator Leavitt, granted leave of absence for this day.

Senator Irish was, on motion of Senator Lukens, granted leave of absence for this day.

Senator Cartwright was, on motion of Senator Price, granted leave of absence for this day.

Senator Weed was, on motion of Senator Curtin, granted leave of absence for this day.

PRAYER.

Prayer was offered by Rev. C. H. Darling.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Lewis A. Hilborn, to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon, the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT. }

WHEREAS, An extraordinary occasion having arisen, and now existing, requiring the Legislature of the State of California to convene;

Now, THEREFORE, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by section nine, article five, of the Constitution of the State of California, do hereby convene the Legislature to meet and assemble in extraordinary session at Sacramento, California, on Tuesday, the nineteenth day of November, Anno Domini one thousand nine hundred and seven, at ten o'clock A. M. of that day, for the purpose of enacting laws and taking legislative action upon the following subjects, to wit:

1st. An Act to add a new section to the Political Code of the State of California relating to the postponing of the collection of payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures, or fines for non-payment of the same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith in the event of general financial stringency.

2d. To amend section ten of the Political Code, sections ten, one hundred and thirty-four, and one hundred and thirty-five of the Code of Civil Procedure, and section seven of the Civil Code, in reference to legal holidays, by providing for special holidays which may, by proclamation, be called by the Governor, and declaring what judicial acts may be performed by the courts during the continuance thereof.

3d. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Sections 10 and 12 of Article XII and Section 29 of Article XVI of said Charter, relating to bond issues, et cetera.

4th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Section 2 of Chapter III of Article IV, relating to the custody by the treasurer of public funds, and authorizing their deposits in certain banks upon certain terms and conditions.

5th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Chapters 7, 8, 4, and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof.

6th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors of said city, at a general election held therein on Tuesday, November fifth, nineteen hundred and seven, amending Section 1 of Chapter V of Article VIII and Section 1 of Chapter VI of Article VIII, relative to salaries of members of the Police Department.

7th. To provide for expenses incurred by the Adjutant-General during the months of May, June, and July, nineteen hundred and seven, arising and growing out of the labor troubles and strikes in the City of San Francisco, and to pay members of the National Guard for services rendered at that time.

8th. To remove Andrew M. Wilson from the office of Railroad Commissioner, on the ground of corruption and incompetency on the part of the said Wilson.

9th. To amend section five of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

10th. To appropriate money for the contingent expenses of the Governor's office.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California, at my office in the State Capitol, at Sacramento, this fifteenth day of November, in the year of our Lord the one thousand nine hundred and seventh, and of the admission of the State of California the fifty-seventh.

[SEAL.]

J. N. GILLETT,
Governor of the State of California.

ATTEST:

C. F. CURRY,
Secretary of State.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the Senate do now organize and proceed to elect the officers and employés of the Senate for this extra session.

Resolution read and adopted.

By Senator Willis:

Resolved, That Hon. Edward I. Wolfe be and he is hereby elected President pro tem. of the Senate. That Lewis A. Hilborn be and he is hereby elected Secretary of the Senate. That J. Louis Martin be and he is hereby elected Sergeant-at-Arms of the Senate. That G. Ray Horton be and he is hereby elected Minute Clerk of the Senate. That Rev. C. H. Darling be and he is hereby elected Chaplain of the Senate.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

By Senator McCartney:

Resolved, That the Standing Rules of the thirty-seventh regular session be and the same are hereby adopted as the rules of the Senate at this special session, except that Paragraph VIII be amended to read as follows:

"VIII. The standing committees of the thirty-seventh regular session shall be the standing committees of this extra session."

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

By Senator Wright:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.—Edward I. Wolfe.

Secretary of the Senate—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—G. Ray Horton.

Chaplain—C. H. Darling.

Resolution read and adopted.

By Senator Wolfe:

Resolved, That a committee of three Senators be appointed by the President of the Senate to notify the Governor of the organization of the Senate, and that the Senate is now ready for business and to receive any communications he may have to make.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR.

In compliance with the above resolution, the President of the Senate appointed Senators Wolfe, Lukens, and Curtin as such committee.

RECESS.

At ten o'clock and twenty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess until ten o'clock and thirty-five minutes A. M., of this day.

RECONVENED.

At ten o'clock and thirty-five minutes A. M., the Senate reconvened. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR.

MR. PRESIDENT: Your committee of three, appointed to wait upon the Governor, respectfully beg leave to report that they have informed him that the Senate is organized and is ready for business.

WOLFE, Chairman.

MESSAGES FROM THE GOVERNOR.

The following messages from the Governor were received, and, on motion of Senator Leavitt, were read and ordered printed in the Journal:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, November 19, 1907.

To the Senate and Assembly of the State of California, convened in Special Session :

At the most urgent request of clearing houses, banking institutions, civic bodies, and many prominent business men from all parts of the State, I have called you together for the purpose of enacting certain legislation which is believed to be imperative because of the most unusual financial stringency existing to-day in the State, brought about by conditions existing in the East.

The specific purposes for which you have been called together appear in a proclamation issued by me on Friday, the 15th instant, copies of which will be placed before you.

Several of these purposes I desire herein to call to your special attention, and I ask your careful consideration of them.

It is very important that the finances of this State should reach a normal condition as speedily as possible, and there is every reason to believe that this will be so, if our people are patient and will view the situation philosophically and take no steps to embarrass the banking institutions of this State, that are now using every effort possible to restore confidence and to replace the reserves that for several months have been depleted by reason of the movement of crops and by the action of timid depositors who have withdrawn their money and hoarded it.

The country generally is very prosperous, our State is particularly so, and there is no reason why this prosperity should not continue. Legitimate business never was better. The farmers in every state have been blessed with large crops for a number of years, for which they have received good prices. All the wheels of industry are turning, trying to supply the enormous demands made upon them. All labor is employed at the highest wages ever known and the merchants have been enjoying a large trade. There is no poverty in the land, yet in the midst of plenty, and apparently on a most solid basis, and with more money in the country and a larger per capita than we ever enjoyed before, the nation finds itself in the throes of a money panic.

It is quite evident that there must be some cause for this condition of affairs, and it is found in the extravagant living, wild speculation, the effort to get rich quickly by giving nothing for something, the frenzied finance of the stock and bond manipulators of Wall street, and the attempt, dishonestly and by misrepresentation, to float all manner of enterprises upon a sea of water. These are the things which have been mostly, if not entirely, responsible for the present financial stringency, and it is only the unparalleled prosperity, distributed among the masses, that saved us from financial ruin.

Our banking laws need to be amended so as to afford better protection to the depositor. The large trust companies and corporations doing an interstate business should be placed under Federal supervision and subject to Federal laws, and if there is no authority for this under the present Constitution, then the Constitution should be amended so as to grant such power.

I suggest that the Legislature appoint a committee to investigate the methods of doing banking business in this State, and to report thereon at the next regular session, together with such recommendations and changes in the law as such committee may deem necessary.

To-day our banks have large balances due them from the East, amounting to millions of dollars, which have accumulated there by reason of the movement of our crops to that market. Most of this money should, in the due course of business, have been paid by this time, but because of the financial conditions existing in New York and other Eastern cities, our bankers are unable to secure the balances due them, payment having been temporarily refused.

This, together with the fact that for several months large sums have been withdrawn from the banks and hoarded, had greatly depleted the cash reserve which the banks usually carry, and with which the business of our State is carried on. The effect is that money can not be secured with which to pay the first installment of taxes without reducing the reserves to such an extent as to seriously imperil our financial, commercial and industrial interests, thereby jeopardizing the business of the State. In fact, many who have depended upon the banks to supply money to pay taxes can not pay their taxes at all. Unless some relief is granted the delinquent list will be large, and many of our citizens will suffer a heavy penalty, and so much money will be taken out of circulation at a time when none can be spared as to threaten the very business prosperity of the people. This relief can come by enacting a law authorizing the Governor, during a great financial stringency, to issue a proclamation extending the payment of taxes for a short period of time. Such a bill will be presented to you for your consideration and I desire you to give it your most earnest attention.

The financial conditions have been such that it was necessary to declare legal holidays in order to protect our business interests. Other states for the same reason have also declared holidays. While it has been necessary and wise to declare them, still the business of the courts has suffered and there has resulted loss and great inconvenience to many of our citizens. It is possible to declare holidays to protect our financial and commercial interests and still leave the courts open to dispatch a large variety of necessary business. Therefore the law should be amended so that during holidays declared by a proclamation issued by the Governor the courts may remain open for the prosecution of all criminal actions and proceedings; to conclude any action pending and on trial; in all suits for injunctions; to quiet title to real property; for partition; condemnation proceedings; forcible entry and detainer or unlawful detainer; replevin; ejectment; divorce; probating of estates of deceased persons, and many other matters not necessary to mention.

This change of our laws I deem very necessary, and I trust the Legislature will pass suitable legislation to that end. The law as it now applies to regular and fixed holidays should remain as it is, the change being made only in reference to what may be termed special holidays declared by the Governor's proclamation.

Several proposed amendments to the charter of the City and County of San Francisco, which were ratified by the qualified electors of said city at a recent election held therein, will be submitted to you for your approval. One of such amendments is of particular importance to the city, and relates to the issuance and sale of bonds for municipal improvements, and in view of the great need of such improvements in San Francisco, it is very important that this amendment should be approved by the Legislature.

Among these improvements of which San Francisco is urgently in need are: an auxiliary water system for fire protection and for sanitary and flushing purposes; construction and repair of its sewer system; the construction of a city and county hospital; the repaving of accepted streets; the reconstruction of school houses destroyed by fire and earthquake; the construction of a new City Hall, Hall of Justice, and other public buildings. The estimated cost of these improvements amounts to about \$28,000,000, and the money to build the same must be raised by a bond issue. The necessity for making these improvements alone is sufficient to warrant the calling of an extra session of the Legislature, and I apprehend that there will be no doubt in your minds about approving this amendment as well as several others which will be submitted to you.

At the last general State election A. M. Wilson of San Francisco was elected to the office of Railroad Commissioner from the Second District. Mr. Wilson has, on several occasions, confessed to having received bribes while a public officer, and to-day an indictment stands against him for committing the very crime for which he stands confessed. The Constitution provides that the Legislature may, by a two-thirds vote, remove a Railroad Commissioner for dereliction of duty, or corruption, or incompetency. In the proclamation convening this special session, your attention has been called to Mr. Wilson. He is charged therein with corruption and incompetency, and you are requested to investigate the charges. The procedure is left to you, and I have performed my duty by calling your attention to the matter and requesting an investigation at your hands. I feel confident that if you find the charges to be true you will have no hesitancy in pronouncing a proper verdict.

I trust that you will take up as speedily as possible the several matters set forth in the proclamation calling this special session, and act upon the same. It is very

desirable that the session should not continue longer than is necessary and that every effort be made to keep down expenses to the minimum.

J. N. GILLETT,
Governor of California.

Also:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, November 19, 1907.

To the Senate and Assembly of the State of California:

I have just received the following:

"*To the HON. JAMES N. GILLETT, Governor of California:*

"November 18, 1907.

"SIR: I hereby tender my resignation as a Railroad Commissioner for the Second District.

"Yours respectfully,

"ANDREW M. WILSON."

I immediately accepted the resignation, and have so advised Mr. Wilson.
In my judgment, further proceedings looking to the removal of Mr. Wilson from office, are unnecessary.

J. N. GILLETT, Governor.

RECESS.

At ten o'clock and fifty-five minutes A. M., on motion of Senator Leavitt, the President declared the Senate at recess until two o'clock and thirty minutes P. M., of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.
Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

APPOINTMENTS BY THE PRESIDENT OF THE SENATE.

The President announced that, by the authority vested in him, he had appointed the following as Porters and Pages:

Porters—George W. Mercer, W. Gamble, C. T. Needham, and M. Levy.

Pages—J. Diggs, Wallace Strait, Miller McBride, and Carlton Pierson.

APPOINTMENTS BY THE SECRETARY OF THE SENATE.

To the Officers and Members of the Senate of the State of California:

I have the honor to inform you that I have this day appointed J. W. Kavanagh and F. Cox to the positions of Assistant Secretaries, and respectfully ask the consent of the Senate thereto.

LEWIS A. HILBORN,
Secretary of the Senate.

On motion of Senator Leavitt, the Senate consented to the above appointments by the Secretary of the Senate.

APPOINTMENT BY SERGEANT-AT-ARMS OF THE SENATE.

To the Officers and Members of the Senate of the State of California:

I have the honor to inform you that I have appointed H. P. Travers, Bookkeeper to the Sergeant-at-Arms, and respectfully ask the consent of the Senate thereto.

J. LOUIS MARTIN,
Sergeant-at-Arms.

On motion of Senator Leavitt, the Senate consented to the above appointment by the Sergeant-at-Arms.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Leavitt:

Resolved, That the following named persons be hereby elected to the statutory positions at the per diem set opposite their respective names:

J. G. McCall, Assistant Sergeant-at-Arms	\$5 00
J. F. Fraser, Assistant-Sergeant-at-Arms	5 00
O. W. Dunham, Assistant Minute Clerk	6 00
J. B. Horton, Assistant Minute Clerk	6 00
C. S. Milnes, Journal Clerk	6 00
John Heilman, Assistant Journal Clerk	5 00
L. A. Pfeiffer, Enrolling and Engrossing Clerk	6 00
M. Andrews, Assistant Enrolling and Engrossing Clerk	5 00
J. Bauer, History Clerk	6 00
Samuel Brunswick, Bill Filer	4 00
John Deveraux, Messenger to State Printer	3 00
J. J. McCarthy, Gatekeeper	3 00
Geo. T. Allender, Gatekeeper	3 00
J. A. Vivarttas, Gatekeeper	3 00
M. E. Waldren, Watchman	3 00
Frank P. Christophei, Watchman	3 00
Miss Leslie Contner, Stenographer	5 00
W. N. Cumming, Stenographer	5 00
Lorena MacIntyre, Stenographer	5 00

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Cartwright, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, Wolfe, and Wright—34.

NOES—Senator Caminetti—1.

Whereupon the President declared each person named in the foregoing resolution duly elected.

REGULAR ORDER OF BUSINESS.

Senator Leavitt moved that the Senate do now proceed with the regular order of business.

Motion carried.

INTRODUCTION AND FIRST READING OF BILLS.

The following bills were introduced:

By Senator Wolfe: Senate Concurrent Resolution No. 1—Relative to approving four certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the fifth day of November, 1907.

Senate Concurrent Resolution referred to Committee on Municipal Corporations.

By Senator Curtin: Senate Bill No. 1—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 2—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Senate Bill No. 3—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Price: Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Belshaw: Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Bill read first time, and referred to Committee on Finance.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Bill read first time, and referred to Committee on Finance.

By Senator Welch: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Bill read first time, and referred to Committee on Commerce and Navigation.

By Senator Wright: Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Rolley: Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator McCartney: Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

Bill read first time, and referred to Committee on Judiciary.

By Senator Lukens: Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

Bill read first time, and referred to Committee on Judiciary.

By Senator Carter: Senate Joint Resolution No. 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324

of the Revised Statutes of the United States, relative to annual work on mining claims.

Senate Joint Resolution referred to Committee on Judiciary.

RUSH ORDERS TO PRINTER.

On motion of Senator Lukens, the Secretary was directed to issue a rush order for the printing of Senate Bills Nos. 1 to 11 inclusive, Senate Concurrent Resolution No. 1, and Senate Joint Resolution No. 1.

ASSEMBLY MESSAGE.

On motion of Senator Leavitt, the following message from the Assembly was taken up and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 19, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted the following resolution:

Resolved, That the Chief Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session pursuant to the proclamation of His Excellency, the Governor, dated Friday, November 15, 1907, and ready for the transaction of legislative business with the following officers, to wit:

Speaker—R. L. Beardslee.

Speaker pro tem.—J. P. Transue.

Chief Clerk—Clio Lloyd.

Sergeant-at-Arms—John T. Stafford.

Assistant Clerks—T. G. Walker, W. H. Wright, H. E. Miller.

Journal Clerk—R. L. Dempsey.

Minute Clerk—H. A. Harper.

Chaplain—P. H. Willis.

CLIO LLOYD, Chief Clerk.

QUESTION OF PERSONAL PRIVILEGE.

Senator Anthony arose to a question of personal privilege and spoke at length.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Wolfe, the President declared the Senate adjourned.

IN SENATE.

SENATE CHAMBER,

Wednesday, November 20, 1907.

Pursuant to adjournment, the Senate met at ten o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Tuesday, November 19, 1907, the further reading was dispensed with, on motion of Senator Weed.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 1—Relative to approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the fifth day of November, 1907—have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

Savage, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION.

Senator Wolfe moved that Senate Concurrent Resolution No. 1 be taken up for consideration.

Motion carried.

SENATE CONCURRENT RESOLUTION No. 1.

Approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has been ever since the eighth day of January in the year one thousand nine hundred, and is now organized and acting under a Freeholders' Charter, adopted under and by virtue of Section Eight of Article Eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which Charter was not amended within an interval of two years immediately prior to the fifth day of November, one thousand nine hundred and seven; and

WHEREAS, The legislative authority of said City and County, namely the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco, twenty-one certain amendments to the Charter of said City and County of San Francisco by the submission of twenty-one proposals, entitled, as follows, to wit:

Charter Amendment No. 1, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 10 and 12 of Article XII, and Section 29 of Article XVI thereof, relating to bonds issued for the acquisition of public utilities and the character of such bonds, the registration thereof, and the levy of taxes to provide for the interest thereon and a sinking fund therefor, and to bonds issued for the acquisition of land or lands and the construction or acquisition of any permanent building or buildings, improvement or improvements, and the character and registration of such bonds and the proceedings for the issuance thereof."

Charter Amendment No. 2, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 4, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California,

to amend the Charter of said City and County by amending Section 2 of Chapter III of Article IV thereof, relating to the custody by the Treasurer of public funds and authorizing their deposit in certain banks upon certain terms and conditions."

Charter Amendment No. 5, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County, and bonds to be given in connection with the same, and the character, terms and conditions of such contracts, and permitting progressive payments to be provided for thereon, upon certain terms and conditions."

Charter Amendment No. 6, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 8, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Chapters 8, 4 and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof."

Charter Amendment No. 9, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes; and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9," relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III, Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos. 1 to 19 inclusive of Chapter III of Article VI of said Charter and by adding new sections to said Chapter of said Article of said Charter, to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending subdivision 11 of Section 1 of Chapter III of Article VII thereof, relating to the leasing of real property of the School Department."

Charter Amendment No. 15, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II, of Article II thereof, relating to the powers of the Supervisors of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 16, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article II thereof, relating to official advertising."

Charter Amendment No. 17, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California,

to amend the Charter of said City and County by amending subdivision 14, of Section 1, of Chapter II, of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled "Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a Playground Commission."

Charter Amendment No. 19, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 20, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter V of Article VIII, and Section 1 of Chapter VI of Article VIII, thereof, relative to the salaries of members of the Police Department."

Charter Amendment No. 21, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employees of the Department of Electricity." And

WHEREAS, Said twenty-one proposals aforementioned containing said proposed amendments to said Charter were, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the official newspaper of said City and County; and

WHEREAS, The said legislative authority of said City and County, did by Resolution No. 1308 (New Series) of the Board of Supervisors, passed September 16, 1907, instruct the Board of Election Commissioners of said City and County to place upon the ballot at a general municipal election to be held in said City and County of San Francisco on the Fifth day of November, One Thousand Nine Hundred and Seven, the said twenty-one several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the Fifth day of November One Thousand Nine Hundred and Seven, which day was more than forty days after said proposed amendments had been published for Twenty days in "The Evening Post" newspaper; and

WHEREAS, On the Eleventh day of November One Thousand Nine Hundred and Seven and thereafter, at meetings duly convened in accordance with law, and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said general municipal election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County; and

WHEREAS, At said general municipal election so held on the Fifth day of November One Thousand Nine Hundred and Seven, twenty of said proposed amendments were ratified by a majority of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors; and

WHEREAS, Thereafter, to-wit, on the Fifteenth day of November One Thousand Nine Hundred and Seven, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of Votes polled at the General Municipal Election held in the City and County of San Francisco, State of California, on Tuesday, the Fifth day of November, A. D. 1907, for Charter Amendments * * *," and also filed a duplicate thereof in the Office of the Secretary of State of California; and

WHEREAS, The Governor of the State of California by virtue of the power and authority vested in him by Section Nine, Article Five of the Constitution of the State of California has convened the Legislature to meet and assemble in extraordinary session on Tuesday, the Nineteenth day of November, A. D. 1907, for the purpose among other things, of taking legislative action upon the four amendments to the Charter of the City and County of San Francisco hereinafter set forth; and

WHEREAS, The said four amendments so ratified by the Electors of the City and County of San Francisco at said General Municipal Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California, and are in words and figures as follows, to-wit:

That Section 10 of Article XII of the Charter be amended to read as follows:

SECTION 10. The bonds issued under the provisions of this article shall be of such form as the Supervisors in the ordinance calling the election therefor shall determine; but such bonds shall be payable, interest and principal, in gold coin of the United States. The interest on such bonds shall not exceed 5 per cent per annum, and they shall be redeemed at such times and in such amounts as the

Supervisors shall determine, as set forth in the ordinance calling the special election; *provided*, that redemption of such bonds shall begin in not more than eighteen years and shall be completed in not more than seventy-five years from the date of the issue.

The bonds so issued shall be exempt from all taxation for municipal purposes and shall be issued in denominations of not less than ten dollars and not more than one thousand dollars, and preference in the sale and allotment thereof shall be given to subscribers for the smallest amounts and the lowest denominations.

The Supervisors shall fix the times and places at which the payment of interest or principal may be made.

Such bonds when issued may be sold by the Supervisors from time to time, as required, and in such quantities as they may determine. When such bonds are offered for sale they shall be advertised in the official paper and otherwise if so ordered by the Supervisors and sealed proposals for the purchase of the whole or any part thereof offered shall be opened at the time specified in such advertisements. All proposals for the purchase of such bonds shall be accompanied by a deposit of 5 per cent of the amount bid in lawful money of the United States or by a deposit of a certified check payable to the Clerk of the Board of Supervisors of the City and County for a like sum, *provided* that no deposit need exceed the sum of ten thousand dollars, and that no deposit need be given by the State of California, which money or check shall be forfeited by the bidder in case he fails to accept and pay for the bonds bid for by him if his bid is accepted. Bonds shall be sold to the highest bidder for not less than par, but the Supervisors shall have the right to reject any or all bids made for the purchase thereof. If less than the amount of bonds offered shall be sold, the Supervisors may, with the concurrence of fourteen members and the Mayor, place such unsold bonds on sale at the City Treasury, or at branches thereof established by the Treasurer for public convenience; and such bonds may be sold to any applicant at such prices as may be fixed by the Supervisors, *provided* that such prices shall not be less than par and accrued interest.

The proceeds of any sale of bonds shall be placed in the treasury to the credit of the proper fund, and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issue until such objects are fully accomplished; after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such surplus exceeds the sum of two thousand dollars, then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

If the bonds or any of them offered for sale shall remain unsold the Supervisors may so declare, and may, with the concurrence of fourteen members and the Mayor, cancel such unsold bonds, *provided* that no bonds shall be canceled as aforesaid unless the same have been offered for sale by advertisement, as above provided, at least three separate times at intervals of not less than thirty days, and *provided* that no such bonds shall be canceled by the Supervisors as aforesaid for which par or above has been bid by any bona fide responsible bidder or bidders.

The provisions of this section, regarding the cancellation of unsold bonds, shall apply to any bonds that have been heretofore issued or to any bonds that have been heretofore authorized by a vote of the electors of the City and County under this section or under Section 29 of Article XVI of this Charter, and that remain unsold after efforts to sell the same shall have been made as above provided.

Whenever the owner of any coupon bond, or of any bond payable to bearer, already issued or hereafter issued by the City and County shall present any such bond to the Treasurer with a request for the conversion of such bond into a registered bond, such Treasurer shall cut off and cancel the coupons of any such coupon bond so presented, and shall stamp, print or write upon such coupon bond or such other bond payable to bearer, so presented, either upon the back or upon the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner, and that thereafter the interest and principal of said bond are payable to the registered owner. Thereafter, and from time to time, any such bond may be transferred by such registered owner in person, or by attorney duly authorized on presentation of such bond to Treasurer, and the bond be again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be in substantially the following form:

(Date—giving month, year and day.)

This bond is registered pursuant to Charter of the City and County of San Francisco, State of California, in the name of _____ (here insert name of owner), and the interest and principal thereof are hereafter payable to such owner.

Treasurer.

After any bond shall have been registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. Such Treasurer shall keep in his office a book or books which shall, at all times, show what bonds are registered and in whose names, respectively.

That Section 12 of Article XII of the Charter be amended to read as follows:

SECTION 12. At the time of levying the municipal tax, and in the manner provided for such tax levy, the Supervisors shall levy and collect annually a tax sufficient to pay the annual interest on such bonds and also such part of the bonded municipal indebtedness as will fall due within the succeeding fiscal year, and as may be necessary to provide for the sinking fund payments of the next succeeding fiscal year; *provided* that when the interest and sinking fund payments for any fiscal year on the bonds issued for any public utility can be met out of the surplus earnings of such public utility for the preceding fiscal year, no tax shall be levied for such purpose. Such taxes shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected.

That Section 29 of Article XVI of the Charter be amended to read as follows:

SECTION 29. When the Supervisors shall determine that the public interest requires the acquisition of any land or lands or the construction or acquisition of any permanent building or buildings, improvement or improvements, the cost of which, in addition to the other expenses of the City and County, will exceed the income and revenue provided for the City and County for any one year, they must, by ordinance, submit a proposition or propositions to incur a bonded indebtedness for such purpose or purposes to the electors of the City and County at a special election to be held for that purpose only. All provisions of this Charter, as the same shall read at the time of submitting such propositions to the electors, providing for the acquisition of public utilities, so far as the same are applicable, shall apply to the manner of submitting such proposition or propositions, to the issuance, character and registration of said bonds and to the time when, and the kind of money in which said bonded indebtedness shall be payable.

The proceeds of any sale of bonds shall be placed in the Treasury to the credit of the proper fund and shall be applied exclusively to the purposes and objects mentioned in the ordinance authorizing their issuance until such objects are fully accomplished, after which, if any surplus remains, such surplus may be transferred to the general fund, except that if such fund exceeds the sum of two thousand dollars then such surplus and the whole thereof shall be transferred to the appropriate fund or funds to pay the interest and maintain the sinking fund or provide for the retirement of the bonded indebtedness in connection with which such surplus remains.

That Section 2 of Chapter III of Article IV of said Charter be amended to read as follows:

SECTION 2. The Treasurer shall receive and safely keep all moneys which shall be paid into the treasury. Except as hereinafter provided, he shall not lend, exchange, use nor deposit the same, or any part thereof, to or with any bank, banker, or person; nor pay out any part of such moneys, nor allow the same to pass out of his personal custody, except upon demands authorized by law or this Charter, and after they shall have been approved by the Auditor. At the close of business each day, he shall take an account of and enter in the proper book the exact amount of money on hand. At the end of every month he shall make out and file with the Mayor and publish quarterly in the official newspaper a statement of the condition of the treasury, showing the amounts of receipts into and payments from the treasury, and on what account, and out of what fund. If he violate any of the provisions of this section, he shall be guilty of misconduct in office, and be liable to removal therefrom, and be proceeded against accordingly. He shall keep the accounts belonging to each fund separate and distinct, and shall in no case pay demands chargeable against one fund out of moneys belonging to another. He shall be in personal attendance at his office each day during office hours. No fees of any kind shall be retained by him, but the same, from whatever source received or derived, shall be paid by him into the treasury.

All moneys paid into the treasury of the City and County may be deposited by the Treasurer, upon the written consent of the Mayor, in any licensed national bank or banks, within this State, or in any bank, banks or corporations authorized and licensed to do a banking business, and organized under the laws of this State, *provided* that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States or of this State, or of any County, Municipality or School District within this State, approved by the Treasurer and the City Attorney. The market value of the bonds furnished as security, shall be at least 10 per cent in excess of the amount of the deposit secured thereby; but the amount of the deposit shall in no case exceed the face value of the bonds furnished as security therefor. *And provided* that such bank or banks shall pay a reasonable rate of interest, not less than 2 per cent per annum, on the daily balances therein deposited.

The rate of interest shall be fixed annually as herein provided in the month of January of each year on all deposits to be made for such year; *provided*, that the rate of interest for the year ending December 31st, 1907, may be fixed as herein provided within ten days after this section goes into effect. The rate of interest shall be fixed by the Treasurer, the Auditor and the Mayor, and the same reported in writing to the Board of Supervisors immediately. Said rate of interest shall be a reasonable rate and not less than 2 per cent per annum on the daily balances deposited; and the rate of interest so established for each year as herein provided,

shall be the uniform rate of interest required from all banks receiving deposits from the City and County for that year. Interest on all moneys deposited as herein provided for shall belong to the City and County and shall be paid quarterly into the general fund of the City and County except where the law or this Charter otherwise directs.

It shall be the duty of the Treasurer to receive from the bank in which the deposit is made, a receipt or receipts in duplicate, showing the date and amount of deposit and rate of interest to be paid thereon, one copy of which said Treasurer shall keep on file in his office and he shall file one copy with the Auditor.

The Treasurer shall keep a record in his office, which shall be open to public inspection, showing at all times the amount of money on deposit in all banks in which the same is deposited, and dates of deposit; also a record of all banks making application for the deposit of the public funds.

The total amount of public moneys on deposit in any bank shall not at any time exceed 50 per cent of the paid-up capital stock of such depository bank or banks. The Treasurer shall not have on deposit at any one time more than 10 per cent of the public moneys under his control and available for deposit in any bank while there are other qualified banks requesting such deposits, *provided*, that the Treasurer shall not be required to deposit public moneys in any bank outside of the City and County.

The receipt issued by any bank for deposits made therein, together with the bonds held as security therefor, shall be held by the Treasurer and be recognized and counted as cash to the amount recited in the receipt by the officers required by law to count the same.

Deposits, with interest thereon, shall be subject to withdrawal on demand of the Treasurer, conjointly with that of the Mayor, and any bank receiving the deposit of public moneys, may, at any time, return the same to the Treasurer, together with interest to date of return, and it shall be the duty of the Treasurer, upon receiving the return of such deposit, to immediately return to such bank all bonds held as security for the deposit returned. When the Treasurer withdraws his deposit, he shall return, on the demand of the bank, such bonds as were held as security for the deposit or portion thereof withdrawn.

Should any bank fail to pay any public moneys held on deposit as herein provided, the Treasurer (with the written consent of the Mayor) may, after ten days' written notice to such bank, proceed to sell at public or private sale such of the bonds held by him as security as he may see fit; *provided, however*, that he shall sell no bonds for less than their face value except at public sale, after ten days' printed notice in the official newspaper. The proceeds of such sale, after paying all expenses, shall be credited to the account of the bank, which deposits the bonds as collateral. Any bank failing to make payment may, at any time before the sale of the bonds is completed, stop such sale by repaying all the moneys deposited with it, together with any expense that may have been incurred by the Treasurer as the result of such failure. Should the proceeds of any such sale fail to fully repay any deposit, the balance remaining unpaid may be collected in an action at law in the name of the City and County.

The Treasurer shall not be responsible for any loss of public moneys resulting from the deposit thereof when made in accordance with the provisions of this act. It shall be the duty of the Treasurer to safely keep all evidence of indebtedness issued by banks for deposits made therein and bonds deposited as security and the Treasurer shall be responsible for such evidence of indebtedness and for bonds held as security therefor, together with the interest thereon and the proceeds of any sale of such bonds; and the Treasurer shall be responsible to such bank for the safe return of the securities furnished by it to the Treasurer.

The expenses of transportation of moneys to or from the Treasury to such depositories shall be borne by such depositories.

Nothing in this section contained shall prevent the City and County from buying bonds or otherwise investing its money in any manner now provided by law or this Charter and nothing herein contained as to the disposition of interest and public moneys deposited shall apply to any money received or held by the City and County wherein any law or this Charter provides for the payment of interest or profit thereon into any particular fund.

That Section 1 of Chapter VIII, Article IX, of said Charter be amended, and that a new section be added thereto, to read as follows:

CHAPTER VIII.

SALARIES AND VACATIONS.

SECTION 1. The officers and members of the Fire Department shall receive annual salaries as follows: Chief Engineer, five thousand dollars; First Assistant Chief Engineer, thirty-six hundred dollars; Second Assistant Chief Engineer, three thousand dollars; Battalion Chiefs, each, twenty-seven hundred dollars; Superintendent of Engines, twenty-seven hundred dollars; the Clerk and Commissary of the Corporation Yards, eighteen hundred dollars; Captains, each, eighteen hundred and sixty dollars; Lieutenants, each, seventeen hundred and ten dollars; Engineers, each, sixteen hundred and eighty dollars; Drivers, Stokers, Tillermen, Truckmen and

Hosemen, for the first year of service, each, twelve hundred dollars; for the second year of service, each, thirteen hundred and twenty dollars; and for the third year of service, and thereafter, each, fourteen hundred and forty dollars; Hydrantmen, each, twelve hundred dollars; Superintendent of Horses, eighteen hundred and sixty dollars; Draymen, each, twelve hundred dollars; Watchmen, each, twelve hundred dollars; Hostlers, each, twelve hundred dollars; Pilots of Fire Boats, each, twenty-one hundred dollars; Engineer of Fire Boats, each, twenty-one hundred dollars; Firemen of Fire Boats, each, twelve hundred dollars.

SECTION 2. Each officer and member of the Fire Department shall be allowed, during each year of his service, a vacation of not less than fifteen days' duration, and also leaves of absence of not less than twenty-four hours' duration, not less times than once in each week. Said vacations and leaves of absence to be without loss of pay.

That Section 3 of Chapter VIII, Article IX, be amended to read as follows:

SECTION 3. The Commissioners shall, upon the application, duly verified, of any officer or member of the Fire Department who shall have served as an active member of the Fire Department for twenty-five years continuously next preceding the date of said application, or, of any officer or member of the Fire Department who shall have reached the age of fifty-five years, and shall have served as an active member of the Fire Department for twenty years continuously next preceding the date of said application, retire and relieve from service such officer or member; *provided also*, that the Commissioners may, by a unanimous vote, retire and relieve from service, any aged, disabled or infirm officer or member of the Fire Department who has arrived at the age of sixty years, and has served as an active member of the department for twenty years continuously next preceding such age, and who upon examination by two regularly certificated practicing physicians, appointed by the Commissioners for that purpose, may be ascertained to be by reason of such age, infirmity, or other disability, unfit for the performance of his duties. Such retired officer or member shall receive from the Fireman's Relief Fund a monthly pension equal to one-half the amount of the salary attached to the rank held by him for three years prior to the date of his retirement, and the same shall cease at his death.

That Section 1 of Chapter IV, Article IX, be amended to read as follows:

CHAPTER IV.

FIRE COMPANIES.

SECTION 1. Each Steam Fire Engine Company shall be composed of not more than one Captain, one Lieutenant, one Engineer, one Driver, one Stoker and Six Hosemen.

Each Hook and Ladder Company shall be composed of not more than one Captain, one Lieutenant, one Driver, one Tillerman and eight Truckmen.

Each Chemical Engine Company shall be composed of not more than one Captain, one Lieutenant, one Driver, and one Hoseman.

Each Water Tower Company shall be composed of not more than one Captain, one Lieutenant, one Driver and one Hoseman.

Each Fire Boat Company shall be composed of not more than one Captain, one Lieutenant, two Pilots, two Engineers, three Firemen and twelve Hosemen.

That a new section to be known and designated as Section 4 be added to Chapter III, Article IX, to read as follows:

SECTION 4. The Chief Engineer may detail for duty as Chiefs' Operators such members of the Department as he may select, not to exceed one such Operator for each Chief, Assistant Chief and Battalion Chief. The members so detailed shall be known and ranked as Chiefs' Operators. Each of said Chiefs' Operators shall receive an annual salary of fifteen hundred dollars. They may be removed from such detail at any time, by the Chief Engineer.

That Section 1, Chapter V of Article VIII, of the Charter of the City and County of San Francisco, be amended to read as follows:

SECTION 1. Subordinate officers of the Police Department shall consist of Captains, who shall each receive an annual salary of twenty-four hundred dollars; Lieutenants, who shall each receive an annual salary of one thousand nine hundred and twenty dollars; Sergeants, who shall each receive an annual salary of one thousand six hundred and eighty dollars; and Corporals, who shall each receive an annual salary of one thousand five hundred and sixty dollars.

That Section 1, Chapter VI of Article VIII, of the Charter of the City and County of San Francisco, be amended to read as follows:

SECTION 1. The police force of the City and County shall not exceed one police officer for each five hundred inhabitants thereof. Police officers shall each receive an annual salary of one thousand four hundred and sixty-four dollars.

STATE OF CALIFORNIA } ss
CITY AND COUNTY OF SAN FRANCISCO }

This is to certify that we, Edward R. Taylor, Mayor of the City and County of San Francisco, and John E. Behan, Clerk of the Board of Supervisors of said City

and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals submitting the same to the electors of said City and County at a General Municipal Election held on Tuesday, the Fifth day of November One Thousand Nine Hundred and Seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City and County of San Francisco, this 16th day of November One Thousand Nine Hundred and Seven.

EDWARD R. TAYLOR
Mayor of the City and County of San Francisco.
JOHN E. BEHAN
Clerk of the Board of Supervisors of
the City and County of San Francisco.

[SEAL]

Now, therefore be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all of the members elected to each house voting for and concurring herein), That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County, and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

NOES—None.

Senate Concurrent Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Commerce and Navigation have had under consideration Senate Bill No. 7—An Act, to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco, to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose; and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same—and respectfully report the same back, and recommend that it do pass, and be re-referred to the Committee on Finance.

ROLLEY, Chairman.

Senate Bill No. 7 referred to Committee on Finance.

RESOLUTIONS.

The following resolutions were offered:

By Senator Anderson:

Resolved, That the Sergeant-at-Arms, or the Bookkeeper to the Sergeant-at-Arms, be and he is hereby authorized to receipt to Controller for all warrants, for the payment of members, officers and attachés to the Senate.

Resolution read and adopted.

By Senator Lynch:

Resolved, That the Controller of the State be, and he is hereby directed to draw his

warrant in favor of the Secretary of the Senate for the sum of twenty-five (\$25.00) dollars, for stamps and expressage, the same payable out of the Contingent Fund of the Senate.

Resolution read, and referred to Committee on Contingent Expenses.
By Senator Savage:

Resolved, That a special committee of three be appointed on mileage.

Resolution read and adopted.

APPOINTMENT OF SPECIAL COMMITTEE ON MILEAGE.

Pursuant to the above resolution, the President of the Senate announced that he had appointed Senators Savage, Price, and Lynch to comprise such special committee.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Leavitt: Senate Concurrent Resolution No. 2—Relative to the appointment of a committee to consist of three members of the Senate and three members of the Assembly for the purpose of investigating the business methods employed generally by the banks and banking houses of the State of California with a view to amending present banking and trust laws so as to afford better protection to the depositor and to the business world.

By Senator Belshaw: Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expense of legislative printing for the extra session of the thirty-seventh Legislature, and directing the State Controller and the State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Finance.

RUSH ORDERS TO PRINTER.

On motion of Senator Belshaw, the Secretary was directed to issue a rush order for the printing of Senate Bill No. 12.

On motion of Senator Leavitt, the Secretary was directed to issue a rush order for the printing of Senate Concurrent Resolution No. 2.

SPECIAL ORDERS SET.

Senator Leavitt moved that the consideration of Senate Concurrent Resolution No. 2 be made a special order for two o'clock P. M., of this day.

Motion carried.

Senator Belshaw moved that the consideration of Senate Bill No. 12 be made a special order for two o'clock P. M., of this day.

Motion carried.

RECESS.

At ten o'clock and thirty minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess until ten o'clock and forty-five minutes A. M., of this day.

RECONVENED.

At ten o'clock and forty-five minutes A. M., the Senate reconvened. Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

On motion of Senator Leavitt, the following reports of standing committees were received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do pass.

BELSHAW, Chairman.

Senate Bills Nos. 5, 6, and 7 ordered on file for second reading.

SPECIAL ORDER SET.

Senator Belshaw moved that the consideration of Senate Bills Nos. 5, 6, and 7 be made a special order for two o'clock P. M., of this day. Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Judiciary has had under consideration Senate Bill No. 11, and begs leave to report thereon that it has examined and considered the said Senate Bill No. 11, which is herewith returned, together with Senate Judiciary Committee Substitute for Senate Bill No. 11.

The said Senate Judiciary Committee Substitute for Senate Bill No. 11 has been adopted by your Committee on Judiciary, and it respectfully recommends that the Senate Judiciary Committee Substitute for Senate Bill No. 11 do pass.

LUKENS, Chairman.

CONSIDERATION OF BILL—(OUT OF ORDER).

On motion of Senator Lukens, Senate Bill No. 11 was taken up for consideration.

Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing

of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

During the second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 11.

An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. A new section is hereby added to the Political Code of the State of California, to be numbered 3757, and to read as follows:

3757. On the last Monday of January, in the year A. D. 1908 at six o'clock P. M. all taxes levied for the fiscal year ending June 30, A. D. 1908, then unpaid, except the last installment of the real property taxes levied and assessed for said fiscal year, are delinquent, and thereafter the tax collector must collect, for the use of the county or city and county, an addition of fifteen per cent thereon; *provided*, that if they be not paid on or before the last Monday in April next succeeding at six P. M. he shall collect an addition of five per cent thereon. On the last Monday in April of each year at six o'clock P. M., all the unpaid portion of the remaining one-half of the taxes on all real property are delinquent, and thereafter the tax collector must collect, for the use of the county, or city and county, an addition of five per cent thereon; *provided*, that the entire tax on any real property may be paid at the time the first installment as above provided, is due and payable; *and provided further*, that the taxes on all personal property unsecured by real property, shall be due and payable immediately after the assessment of said personal property is made. *Provided, however*, that the time for the performance by any public officer of any duty in connection with the matters herein enumerated and imposed by law is hereby extended sixty (60) days in addition to the time now provided by law. This section shall not in any manner be construed to repeal Section 3756 of the said Political Code, as the same now exists, but suspends the provisions thereof so far as the same affect the collection of the first installment of taxes with the penalties provided by law levied for the fiscal year ending June 30, A. D. 1908, and thereafter this section shall be inoperative.

SEC. 2. This Act shall take effect immediately.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

RUSH ORDER TO PRINTER.

On motion of Senator Lukens, the Secretary was directed to issue a rush order for the printing of Committee Substitute for Senate Bill No. 11.

SPECIAL ORDER SET.

Senator Lukens moved that the consideration of Committee Substitute for Senate Bill No. 11 be made a special order for two o'clock P. M., of this day.

REPORTS OF STANDING COMMITTEES — (RESUMED).

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims—have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

LUKENS, Chairman.

CONSIDERATION OF JOINT RESOLUTION—(OUT OF ORDER).

On motion of Senator Carter, Senate Joint Resolution No. 1 was taken up for consideration.

SENATE JOINT RESOLUTION No. 1.

Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

WHEREAS, The financial stringency now being experienced in the State of California, as well as in adjoining States, has worked great hardship upon those persons who annually contribute to a large amount of money for the performance of the annual labor upon mining claims as required by the provisions of Section 2324 of the Revised Statutes of the United States.

Resolved, therefore, by the Senate of the State of California and Assembly jointly, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of legislation by the Congress next to convene, suspending the operation for the years 1907 and 1908, of that portion of the Revised Statutes of the United States, Section 2324 thereof, requiring the expenditure annually of one hundred dollars in labor and improvements upon unpatented mining claims, similar legislation having been enacted by Congress in the years 1893 and 1894; be it therefore

Resolved, That the Secretary of the Senate be and is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Resolution read.

The question being on the adoption of the Senate Joint Resolution.

The roll was called, and Senate Joint Resolution No. 1 adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Belshaw, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Rambo, Reily, Rush, Sanford, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

Senate Joint Resolution ordered transmitted to the Assembly.

RECESS.

At eleven o'clock and forty-five minutes A. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock P. M., of this day.

RECONVENED.

At two o'clock P. M., the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer—have had the same under consideration, and respectfully report the same back with the recommendation that it do pass.

BELSHAW, Chairman.

Senate Bill No. 12 ordered on file for second reading.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Concurrent Resolution No. 2, the same was taken up.

SENATE CONCURRENT RESOLUTION No. 2.

WHEREAS, Within the past month a condition of financial embarrassment has prevailed among the banks and banking houses doing business in the State of California, notwithstanding the fact that the people of this State in every walk of life have been particularly prosperous; and

WHEREAS, The said financial embarrassment of said banks and banking houses has resulted in widespread dissatisfaction among all classes and further resulted in a succession of holidays declared by the Governor, the result of which has been great inconvenience and injury to many business interests other than banking; and has impeded the progress of the courts in the disposition of all business, civil, criminal and probate, that was pending in said courts at the time of and during such holidays; and

WHEREAS, It is the opinion of many that the financial condition, as now existing, is attributable largely to the imperfection of the laws of the State of California governing banks and banking and trust companies and in the manner of conducting said business; and

WHEREAS, It is apparent to all that our banking and trust laws need to be amended so as to afford better protection to the depositor and the business world. Now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly concurring, That a committee to consist of three Senators and three members of the Assembly be appointed by the President of the Senate and the Speaker respectively for the purpose of investigating into the business methods employed generally by the banks and banking houses in the State of California and to ascertain the average total cash on hand earned in proportion to the total deposits, the proportion to deposits loaned by such banks and banking houses outside of the State of California, the terms and average rate of interest on such loans and generally with other and such further information as will enable such committee to make a full and comprehensive report as to the methods of banking business usually employed by such banks and banking houses to the end that laws may be enacted that will or may in some degree prevent a recurrence of such conditions of financial embarrassment as exists at this time in this State.

That said committee be and it is hereby empowered to administer oaths and issue all necessary subpoenas directed to persons residing in this State, to appear before such committee at a time and place to be named therein, and such person so served, is required to appear and testify before such committee as to all matters and things which he may be examined upon, bearing upon the subject-matter of this resolution and such person shall be required to produce and submit to the inspection and examination by such committee of all books, papers and documents as may be in his possession or control.

That such committee shall have and is hereby given power and authority to incur all necessary expenses to enable it to perform the duties herein specified and that it make its report in writing to the Governor and the Legislature next to meet, and in such report it make such recommendations and prepare such laws as will carry out the purposes contemplated by these resolutions.

That the expenses to be incurred under authority of this resolution shall not exceed, in the aggregate, the sum of five thousand dollars (\$5,000), and such amount shall be payable one-half out of the contingent fund of the Assembly and one-half out of the contingent fund of the Senate. The State Controller shall draw his warrants upon such funds on the presentation of claims audited by the committee and filed by the chairman of said committee, and the State Treasurer shall pay the same.

Resolution read.

MOTION TO REFER TO COMMITTEE LOST.

Senator Caminetti moved that, without further consideration, Senate Concurrent Resolution No. 2 be referred to the Committee on Judiciary.

The ayes and noes were demanded by Senators Caminetti, Sanford, and Anthony.

The roll was called, and the motion lost by the following vote :

AYES—Senators Anthony, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Hartman, Irish, Kennedy, Miller, Nelson, Reilly, Rush, Sanford, and Savage—17.

NOES—Senators Anderson, Bates, Boynton, Greenwell, Keane, Leavitt, Lukens, Lynch, McCartney, Price, Rambo, Rolley, Walker, Weed, Welch, Willis, Wolfe, and Wright—18.

AMENDMENTS.

During the consideration of Senate Concurrent Resolution No. 2, the following amendment was offered by Senator Sanford:

Amend by striking out all on page 1 of the printed bill from line 1 down to and including the word "it" in line 23.

Amendment adopted.

Also: By Senator Leavitt:

Amend by striking out of line 30, page 2, printed resolution, the word "earned" and inserting in lieu thereof the word "carried."

Amendment adopted.

MOTION TO REFER TO COMMITTEE.

Senator Carter moved that Senate Concurrent Resolution No. 2 be referred to the Committee on Banking.

Motion carried.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of Senate Bills Nos. 5, 6, 7, and 12, the same were taken up.

RESOLUTION—(OUT OF ORDER).

By Senator Belshaw:

Resolved, That Senate Bills Nos. 5, 6, 7, and 12 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

CASES OF URGENCY.

Senate Bill No. 5—An Act making an appropriation to pay the claim for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 5 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, McCartney, McKee, Miller, Price, Rambo, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—33.

NOES—Senators Markey, Nelson, and Reily—3.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 6 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 7 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—36.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

Read third time.

The question being on the passage of the bill.

The roll was called, and Senate Bill No. 12 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—35.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Willis:

Resolved, That the State Controller draw his warrant in favor of the Sergeant-at-Arms

of the Senate in the sum of thirty-five dollars (\$35), and the State Treasurer is hereby directed to pay the same, said sum being for postage, telegraphing, and other incidental expenses.

Resolution read and referred to Committee on Contingent Expenses.

REPORT OF SPECIAL COMMITTEE—(OUT OF ORDER).

The following report of special committee was received and read:

ON MILEAGE.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Special Committee on Mileage beg leave to report as follows: We find the following to be entitled to the sums set opposite their respective names:

			Mileage.	Amount.
Secretary—Lewis A. Hilborn			180	\$18 00
Minute Clerk—G. Ray Horton			894	89 40
Sergeant-at-Arms—J. Louis Martin			168	16 80
Dist.	Senator.	Address.	Mileage.	Amount.
39	Anderson, John N.	Santa Ana	962	\$96 20
24	Anthony, Marc	San Francisco	180	18 00
14	Bates, J. C.	Alameda	170	17 00
36	Bell, Chas. W.	Pasadena	914	91 40
28	Black, Marshall	Palo Alto	298	29 80
6	Boynton, A. E.	Oroville	172	17 20
35	Broughton, Howard A.	Pomona	960	96 00
10	Caminetti, A.	Jackson	118	11 80
37	Carter, Henry E.	Los Angeles	894	89 40
26	Cartwright, Geo. W.	Fresno	338	33 80
12	Curtin, J. B.	Sonora	250	25 00
33	Greenwell, C. B.	Ventura	980	98 00
22	Hartman, Gus	San Francisco	180	18 00
3	Irish, J. B.	Downieville	238	23 80
23	Keane, Geo. B.	San Francisco	180	18 00
20	Kennedy, T. J.	San Francisco	180	18 00
16	Leavitt, F. W.	Oakland	168	16 80
15	Lukens, G. R.	Oakland	168	16 80
17	Markey, F. A.	San Francisco	180	18 00
38	McCartney, H. S. G.	Los Angeles	894	89 40
7	McKee, J. A.	Sacramento	2	20
32	Miller, E. O.	Visalia	412	41 20
25	Nelson, John H.	San Francisco	180	18 00
8	Price, W. F.	Santa Rosa	180	18 00
29	Rambo, S. H.	Boulder Creek	392	39 20
18	Reily, D. J.	San Francisco	180	18 00
1	Rolley, Geo. T.	Eureka	624	62 40
5	Rush, Benj. F.	Suisun	82	8 20
4	Sanford, J. B.	Ukiah	300	30 00
34	Savage, W. H.	San Pedro	954	95 40
27	Walker, Geo. S.	Los Gatos	276	27 60
2	Weed, A.	Weed Station	514	51 40
19	Welch, Richard J.	San Francisco	180	18 00
30	Willis, Henry M.	Redlands	1,036	103 60
21	Wolfe, Edward I.	San Francisco	180	18 00
40	Wright, Leroy A.	San Diego	1,146	114 60

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the foregoing-named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

SAVAGE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, and Wolfe—32.

NOES—Senators Lukens and Rush—2.

Also:

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Special Committee on Mileage beg leave to report as follows: That we find the following to be entitled to the sums set opposite their respective names:

Dist.	Mileage.	Amount.
President: W. R. Porter	414	\$41 40
Senators: 9—Belshaw, C. M.	192	19 20
31—Lynch, Henry W.	822	82 20

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrants upon the proper fund in favor of the foregoing named Senators and officers of the Senate for the amount set opposite each of their names, and the State Treasurer is hereby directed and ordered to pay the same, being the mileage due them by law.

Savage, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Markey, McCartney, Miller, Nelson, Price, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—None.

ADJOURNMENT.

At three o'clock and thirty minutes P. M., on motion of Senator Hartman, the President pro tem. declared the Senate adjourned until ten o'clock and thirty minutes A. M., Thursday, November 21, 1907.

IN SENATE.

SENATE CHAMBER,

Thursday, November 21, 1907.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. C. H. Darling.

READING OF THE JOURNAL.

During the reading of the Journal of Wednesday, November 20, 1907, the further reading was dispensed with, on motion of Senator Bates.

APPROVAL OF JOURNAL.

The Journal of Tuesday, November 19, 1907, having been previously read and corrected, was approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following Senate Bill: Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith—and report that the same has been correctly engrossed.

REILY, Chairman.

Committee Substitute for Senate Bill No. 11 ordered on file for third reading.

REPORT OF SPECIAL COMMITTEE.

The following report of special committee was received and read:

ON MILEAGE.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Special Committee on Mileage beg leave to report as follows: That the Chaplain of the Senate, Rev. C. H. Darling, was telegraphed and requested to be present at this special session of the Legislature, and under such conditions your committee believe him entitled to his mileage, and we hereby recommend that Rev. C. H. Darling be allowed the following amount:
Mileage, 130—amount, \$13.00.

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the foregoing named Chaplain of the Senate for the above amount, and the State Treasurer is hereby directed and ordered to pay the same.

SAVAGE, Chairman.

Report and resolution read and referred to Committee on Contingent Expenses.

INTRODUCTION AND FIRST READING OF BILLS, ETC.

The following bills, etc., were introduced:

By Senator Anderson: Senate Concurrent Resolution No. 3—Relative to the appointment of a committee of one Senator and one Assemblyman to investigate into the business methods of the corporations engaged in the banking business in the State of California, and to examine the State laws relating to banking, and to report their findings to the Governor and the next Legislature, making in their report such recommendations for amendments of the laws as such committee may deem best.

Senate Concurrent Resolution referred to Committee on Banking.

By Senator Sanford: Senate Joint Resolution No. 2—Providing for more elasticity in our currency system.

Senate Joint Resolution referred to Committee on Federal Relations.

PRESIDENT PRO TEM. WOLFE IN THE CHAIR.

At eleven o'clock and twenty minutes A. M., Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

CONSIDERATION OF DAILY FILE—THIRD READING OF BILLS.

Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Sanford moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

Strike out of Section 3757, line two, the word "last," and insert in lieu thereof the word "first."

Also: Strike out of line eight the word "fifteen," and insert in lieu thereof the word "four."

Motion lost.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE LOST.

Senator Sanford moved to refer to Senator Caminetti, as a special committee of one, to amend as follows:

Amend by adding after the word "thereon," in line eight, the words: "11 per cent of which penalty is hereby postponed until the last Monday in April."

Motion lost.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 11 PASSED.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 11 passed by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Senate Concurrent Resolution No. 1—Approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.

RECESS.

At eleven o'clock and forty minutes A. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until two o'clock and thirty minutes P. M., of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.
Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

INTRODUCTION AND FIRST READING OF BILLS, ETC.—(OUT OF ORDER).

The following bills, etc., were introduced:

By Senator Lukens: Senate Concurrent Resolution No. 4—Relative to printing an edition of five thousand copies of the laws and amendments to the codes, passed at this extra (thirty-seventh) session.

Senate Concurrent Resolution referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

The following reports of standing committees were received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Senate Bill No. 1—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Senate Bill No. 2—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 3—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

Have had the same under consideration, and respectfully report the same back with the majority recommendation that the Committee Substitute for Senate Bills Nos. 1, 2, 3, 4, 8, 9 and 10, herewith presented, be adopted, and that the substitute do pass.

WOLFE, Acting Chairman.

ON JUDICIARY—MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: As a member of your Committee on Judiciary, to whom was referred Senate Bills Nos. 1, 2, 3, 4, 8, 9, and 10, I must decline to join in a unanimous recommendation for the passage of the proposed committee substitute for said bills, and so do on the ground that article six, section five, of the Constitution of this State prohibits the transaction of judicial business on legal holidays and non-judicial days, excepting that writs of prohibition and injunction may be issued on such days, and I am therefore firmly of the opinion that, excepting for issuance of said writs, it is not in the legitimate or constitutional power of this Legislature to enact a law authorizing the courts to transact judicial business on legal holidays and non-judicial days.

Respectfully,

J. B. CURTIN,
Member of Judiciary Committee.

LEROY A. WRIGHT.
MARC ANTHONY.

I concur in the foregoing minority report.

LUKENS,
Chairman Judiciary Committee.

SPECIAL ORDER SET.

Senator Caminetti moved that the Committee Substitute for Senate Bills Nos. 1, 2, 3, 4, 8, 9, and 10, together with the above minority report of the Committee on Judiciary, be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the same be made a special order for seven o'clock and thirty minutes P. M., of this day.

Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON BANKING.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Concurrent Resolution No. 2—Relative to the appointment of a committee of three members of the Senate and three members of the Assembly for the purpose of investigating into the business methods employed generally by the banks and banking houses of the State of California with a view to amending the present banking and trust laws so as to afford better protection to the depositor and to the business world—have had the same under consideration, and respectfully report the same back, with the recommendation that the accompanying committee substitute be adopted in lieu thereof.

BATES, Chairman.

SPECIAL ORDER SET.

Senator Leavitt moved that the Committee Substitute for Senate Concurrent Resolution No. 2 be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the above report submitting the substitute therein contained be made a special order for seven o'clock and thirty minutes P. M., of this day.

Motion carried.

REPORTS OF STANDING COMMITTEES—(RESUMED).

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the State Controller draw his warrant in favor of the Sergeant-at-Arms of the Senate in the sum of thirty-five dollars (\$35), and the State Treasurer is hereby directed to pay the same, said sum being for postage, telegraphing, and other incidental expenses.

Also:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrant in favor of the Secretary of the Senate for the sum of twenty-five dollars (\$25), for stamps and expressage, the same payable out of the Contingent Fund of the Senate. Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions were adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Irish, Keane, Kennedy, Lukens, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—32.

NOES—None.

RECESS.

At two o'clock and fifty-five minutes P. M., on motion of Senator Carter, the President pro tem. declared the Senate at recess until seven o'clock and thirty minutes P. M., of this day.

RECONVENED.

At seven o'clock and thirty minutes P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

On motion of Senator Curtin, the roll was called, and the following answered to their names:

Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—34.

Quorum present.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for the remainder of this day.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON BANKING.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Banking, to whom was referred Senate Concurrent Resolution No. 3—Relative to the appointment of a committee comprising one Senator and one Assemblyman to investigate into the business methods of the corporations engaged in the banking business in the State of California, and to examine the State laws relating to banking and to report their findings to the Governor and the next Legislature and recommend such amendments of the laws as said committee may deem best—have had the same under consideration, and respectfully report the same back with three amendments, without recommendation.

BATES, Chairman.

Senate Concurrent Resolution No. 3 ordered on file.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the majority report of the Committee on Judiciary submitting Committee Substitute for Senate Bills Nos. 1, 2, 3, 4, 8, 9 and 10, the same was taken up.

MOTION.

Senator Caminetti moved to re-refer Senate Bills Nos. 4, 8, and 9 to the Committee on Judiciary.

Motion seconded.

Senator Belshaw moved, as an amendment to the motion made by Senator Caminetti, that the majority report of the Committee on Judiciary, together with the minority report of the committee aforesaid, the committee substitute therein involved, and all matters thereunto appertaining, be re-referred to the Committee on Judiciary for further consideration.

The question being on the amendment to the motion.

The roll was called, and the amendment carried by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Lukens, McKee, Nelson, Rambo, Reily, Rolley, Sanford, Walker, Welch, and Wright—23.

NOES—Senators Leavitt, Lynch, McCartney, Miller, Price, Rush, Weed, Willis, and Wolfe—9.

Motion as amended carried.

SPECIAL ORDER RESET.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the Committee on Banking, submitting a Committee Substitute for Senate Concurrent Resolution No. 2, the same was taken up and postponed for further consideration until Friday, November 22, 1907, immediately following the reading and approval of the Journal.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Senate-Concurrent Resolution No. 4—Relative to printing five thousand copies of the laws and amendments to the Codes passed at this extra session of the Legislature—have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report read and adopted.

ADJOURNMENT.

At ten o'clock and forty-five minutes p. m., on motion of Senator Hartman, the President pro tem. declared the Senate adjourned until ten o'clock and thirty minutes a. m., of Friday, November 22, 1907.

IN SENATE.

SENATE CHAMBER,

Friday, November 22, 1907.

Pursuant to adjournment, the Senate met at ten o'clock and thirty minutes a. m.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—37.

Quorum present.

PRAYER.

Prayer was offered by Rev. Frank K. Baker.

READING OF THE JOURNAL.

During the reading of the Journal of Thursday, November 21, 1907, the further reading was dispensed with, on motion of Senator Curtin.

APPROVAL OF JOURNAL.

The Journal of Wednesday, November 20, 1907, having been previously read and corrected, was approved.

LEAVE OF ABSENCE.

Senator Cartwright was, on motion of Senator Sanford, granted leave of absence for this day.

APPOINTMENT BY THE PRESIDENT OF THE SENATE.

The President announced that, by the authority vested in him, he had appointed the following Porter, the appointment to take effect from this date: W. J. Devereaux, in lieu of William Gamble.

INTRODUCTION OF JOINT RESOLUTION.

The following joint resolution was offered:

By Senator Sanford (by request of Senator Cartwright): Senate Joint Resolution No. 3—Relating to banks and banking, and recommending the protection of depositors in approved banks under certain conditions by the Government of the United States.

Senate Joint Resolution referred to Committee on Federal Relations.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the report of the Committee on Banking submitting a committee substitute for Senate Concurrent Resolution No. 2, the same was taken up.

MOTION TO SUBSTITUTE.

Senator Anderson moved that Senate Concurrent Resolution No. 3 be substituted for Senate Concurrent Resolution No. 2 in the consideration set for this hour.

Motion lost.

Report of Committee on Banking, submitting a committee substitute for Senate Concurrent Resolution No. 2, adopted.

SPECIAL ORDER SET.

Senator Leavitt moved that the Committee Substitute for Senate Concurrent Resolution No. 2 be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the same be made a special order for two o'clock and thirty minutes P. M., of this day.

Motion carried.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

• SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 1—Approving four certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and

ratified by the said electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

And report that the same has been correctly enrolled, and presented the same to the Governor on this twenty-second day of November, 1907, at twelve o'clock m.

REILY, Chairman.

RECESS.

At twelve o'clock and twenty-five minutes M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock and thirty minutes P. M., of this day.

RECONVENED.

At two o'clock and thirty minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, the President of the Senate, in the chair.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this day, being the consideration of the Committee Substitute for Senate Concurrent Resolution No. 2, the same was taken up.

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 2.

Be it resolved, by the Senate of the State of California, the Assembly concurring. That a committee to consist of three Senators and three members of the Assembly be appointed by the President of the Senate, and the Speaker of the Assembly, respectively, for the purpose of securing such information as will enable such committee to make a full and comprehensive report as to the methods usually employed by persons, associations, or corporations, engaged in the banking business, or receiving money on deposit within the State of California, to the end that laws may be enacted by the Legislature of this State improving our banking methods and laws.

That said committee be and it is hereby empowered to administer oaths and issue all necessary subpoenas directed to persons residing in this State to appear before such committee at a time and place to be named therein, and such person so served, is required to appear and testify before such committee as to all matters and things which he may be examined upon, bearing upon the subject-matter of this resolution and such person shall be required to produce and submit to the inspection and examination by such committee of all books, papers and documents as may be in his possession or control.

That such committee shall have and is hereby given power and authority to incur all necessary expenses to enable it to perform the duties herein specified and that it make its report in writing to the Governor and the Legislature next to meet, and in such report it make such recommendation and prepare such laws as will carry out the purpose contemplated by this resolution.

That the expenses to be incurred under authority of this resolution shall not exceed in the aggregate, the sum of five thousand dollars (\$5,000), and such amount shall be payable one-half out of the contingent fund of the Assembly and one half out of the contingent fund of the Senate. The State Controller shall draw his warrants upon such funds on the presentation of claims audited by the committee and filed by the chairman of said committee, and the State Treasurer shall pay the same.

Resolution read.

The question being on the adoption of the concurrent resolution.

The roll was called, and the Committee Substitute for Senate Concurrent Resolution No. 2 adopted by the following vote:

AYES—Senators Anthony, Bates, Belshaw, Boynton, Broughton, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, Nelson, Price, Rambo, Reily, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—26.

NOES—Senators Anderson, Bell, and Rush—3.

Committee Substitute for Senate Concurrent Resolution No. 2 ordered transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Senate Concurrent Resolution No. 4—Relative to printing five thousand copies of the laws and amendments to the codes passed at this extra session of the Legislature.

Also: Passed, under a case of urgency, Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 4 ordered to enrollment.
Senate Bill No. 6 and Senate Bill No. 12 ordered to enrollment.

RECESS.

At two o'clock and forty-five minutes P. M., on motion of Senator Wolfe, the President declared the Senate at recess until two o'clock and fifty-five minutes P. M., of this day.

RECONVENED.

At two o'clock and fifty-five minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Bill No. 5 ordered to enrollment.

WITHDRAWAL OF CONCURRENT RESOLUTION.

Senator Anderson asked for and was granted unanimous consent to withdraw Senate Concurrent Resolution No. 3.

Whereupon the same was ordered withdrawn and stricken from the file.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:

By Senator Broughton:

Resolved, That the Sergeant-at-Arms of the Senate be allowed the sum of ninety dollars (\$90) for services to be rendered after the close of the session checking up and

storing furniture in warehouse and performing other necessary work, and the Controller is hereby directed to draw his warrant for the same payable out of the Contingent Fund of the Senate, and the Treasurer to pay the same.

**Resolution read and referred to Committee on Contingent Expenses.
By Senator Boynton:**

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms, on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of \$202.77, as per bills attached:

Labor	\$138 00
F. R. Pullford	29 75
H. W. Rivett	4 00
John Breuner & Co.	22 83
Hale Bros.	8 19
Total	\$202 77

**Resolution read and referred to Committee on Contingent Expenses.
By Senator Price:**

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-Arms, and the Treasurer is hereby authorized to pay the same in favor of the following named persons as per bills attached:

Union League Club	\$290 00
Scott, Lyman & Stack	64 20
Lathop & Johnson	112 19
Globe Transfer Co.	42 50
Total	\$508 89

Resolution read and referred to Committee on Contingent Expenses.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

REPORT OF COMMITTEE ON MILEAGE.

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. PRESIDENT: Your Special Committee on Mileage beg leave to report as follows: That the Chaplain of the Senate, Rev. C. H. Darling, was telegraphed and requested to be present at this special session of the Legislature, and under such conditions your committee believes him entitled to his mileage, and we hereby recommend that Rev. C. H. Darling be allowed the following amount:

Mileage, 130—amount, \$13.00.

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the foregoing-named Chaplain of the Senate for the above amount, and the State Treasurer is hereby directed and ordered to pay the same.

SAVAGE, Chairman.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution were adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Black, Boynton, Broughton, Caminetti, Curtin, Hartman, Irish, Keane, Lynch, McKee, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, and Wolfe—23.

NOES—Senators Leavitt, Markey, McCartney, Miller, Nelson, Rolley, and Wright—7.

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred:

Senate Bill No. 1—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Senate Bill No. 2—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 3—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

Also: Committee Substitute for the Senate Bills aforesaid.

Also: The minority report of certain members of your committee, dated November 21, 1907, at Sacramento, California.

Have had the same under consideration, both in a sub-committee of your Judiciary Committee and a general meeting thereof, and respectfully report that your Judiciary Committee has adopted (1) Committee Substitute for Senate Bill No. 4; (2) Committee Substitute for Senate Bill No. 8; (3) Committee Substitute for Senate Bill No. 9; and (4) Committee Substitute for Senate Bill No. 10; all of which committee substitutes are herewith reported to your honorable body; that they be adopted and that they do pass as adopted.

LUKENS, Chairman.

CONSIDERATION OF BILLS—(OUT OF ORDER).

Senator Lukens asked for and was granted unanimous consent to have Senate Bills Nos. 4, 8, 9, and 10 taken up for immediate consideration.

Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

During the second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 4.

An Act to amend Section 7 of the Civil Code, relating to holidays.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of the Civil Code is hereby amended to read as follows:

7. Holidays within the meaning of this code, are, every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State for a public fast, thanksgiving or holiday and such days as the Governor may declare as special holidays. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution, or recording of any legal process or written instrument whatever on such Saturday afternoons. *Provided further*, that the Governor of the State may declare special holidays and he may in one proclamation designate one or any number of consecutive days as special holidays and during any such special holidays no public duty shall be suspended or prohibited except such as affect the administration of justice in the courts of this State as prescribed by section 135 of the Code of Civil Procedure.

SEC. 2. This Act shall take effect and be in force from and after November 25th, A. D. 1907, at 12 o'clock M. of that day.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment and third reading.

Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

During the second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 8.

An Act to amend Section 10 of the Political Code, relating to holidays.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of the Political Code is hereby amended to read as follows :

10. Holidays, within the meaning of this code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State for a public fast, thanksgiving or holiday and such days as the Governor may declare as special holidays. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, this shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons. *Provided further*, that the Governor of the State may declare special holidays and he may in one proclamation designate one or any number of consecutive days as special holidays and during any such special holidays no public duty shall be suspended or prohibited except such as affect the administration of justice in the courts of this State as prescribed by section 135 of the Code of Civil Procedure.

SEC. 2. This Act shall take effect and be in force from and after November twenty-fifth A. D. 1907 at twelve o'clock M. of that day.

Substitute read and adopted.

Bill read second time, and ordered to print, engrossment, and third reading.

Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

During the second reading of the bill, the following substitute was submitted by committee:

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 9.

An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section ten of the Code of Civil Procedure is hereby amended to read as follows :

10. Holidays, within the meaning of this code, are every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday in September, the twenty-fifth day of December, every day on which an election is held throughout the State, and every day appointed by the President of the United States, or by the Governor of this State for a public fast, thanksgiving or holiday and such days as the Governor may declare as special holidays. If the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September or the twenty-fifth day of December fall upon a Sunday, the Monday following is a holiday. Every Saturday from twelve o'clock noon until twelve o'clock midnight is a holiday as regards the transaction of business in the public offices of this State, and also in political divisions thereof where laws, ordinances, or charters provide that public offices may be closed on holidays; *provided*, that such shall not be construed to prevent or invalidate the issuance, filing, service, execution or recording of any legal process or written instrument whatever on such Saturday afternoons. *Provided further*, that the Governor of the State may declare special holidays and he may in one proclamation designate one or any number of consecutive days as special holidays and during any such special holidays no public duty shall be suspended or prohibited except such as affect the administration of justice in the courts of this State as prescribed by section 135 of this code for the control of such courts.

SEC. 2. This Act shall take effect and be in force from and after November twenty-fifth A. D. 1907 at twelve o'clock M. of that day.

Substitute read and adopted.

Bill read second time and ordered to print, engrossment and third reading.

Senate Bill No. 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

During the second reading of the bill, the following substitute was submitted by committee.

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 10.

An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

The people of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 135 of the Code of Civil Procedure is hereby amended to read as follows:

135. On all special holidays the courts of this State shall be open for the transaction of any and all judicial business, except the trial of an action or the rendition of a judgment based upon a contract, expressed or implied, for the direct payment of money, and for the trial and rendition of judgments in actions of forcible entry or unlawful detainer. *Provided*, if any day mentioned in section 10 of this code other than a special holiday happen to be the day appointed for the holding or sitting of a court, or to which it is adjourned, it shall be deemed appointed for or adjourned to the next day.

SEC. 2. This Act shall take effect and be in force from and after November 25th, A. D. 1907, at 12 o'clock M. of that day.

Substitute read and adopted.

Bill read second time and ordered to print, engrossment and third reading.

SPECIAL ORDER SET.

Senator Leavitt moved that the Committee Substitutes for Senate Bills Nos. 4, 8, 9, and 10 be sent to the State Printer with a rush order issued by the Secretary, and that the consideration of the same be made a special order for seven o'clock and thirty minutes P. M., of this day.

Motion carried.

RECESS.

At three o'clock and forty minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until seven o'clock and thirty minutes P. M., of this day.

RECONVENED.

At seven o'clock and thirty minutes P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Committee Substitute for Senate Bill No 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of

the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

And report that the same have been correctly engrossed.

REILY, Chairman.

Committee Substitutes for Senate Bills Nos. 4, 8, 9, and 10, respectively, ordered on file for third reading.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Miller, the following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed, as a case of urgency, Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Assembly Bills Nos. 1, 3 and 4 read first time, and referred to the Committee on Judiciary.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day amended, and passed as a case of urgency so amended, Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 11?"

After the word "six," in line 10 of Section 1 of page 1 of the printed bill, insert the word "o'clock."

The roll was called, and the above Assembly amendment to Senate Bill No. 11 concurred in by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—30.

NOES—None.

The question being "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 11?"

Strike out the word "above," in line 17 of Section 1, page 2 of the printed bill.

Also: Insert the words "by law" after the word "vided" in line 18 of Section 1, page 2 of the printed bill.

Also: After the word "duty," in line 22 of Section 1, page 2 of the printed bill, insert the words "imposed by law."

Also: After the word "sixty," in line 24, Section 1, page 2 of the printed bill, insert the word "three."

Also: Strike out the naught in line 24 of page two of Section 1 of the printed bill, and insert the figure "3."

Also: Strike out all of line 31 of Section 1, page 2, of the printed bill, and insert in lieu thereof, as follows: "Shall have no other or further effect, except as herein provided."

The roll was called, and the above Assembly amendments to Senate Bill No. 11 concurred in by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Black, Boynton, Broughton, Caminetti,

Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—27.
NOES—None.

The question being, "Shall the Senate concur in the following Assembly amendment to Senate Bill No. 11?"

AMENDMENT No. 5.

Strike out the words "matters herein enumerated and imposed by law," in lines 23 and 24 of Section 1, page 2 of printed bill, and insert in lieu thereof as follows: "collections of the first installment of said taxes and the fifteen per cent penalty for delinquency thereof and the settlement thereof."

The roll was called, and the Senate refused to concur in the above Assembly amendment to Senate Bill No. 11, by the following vote:

AYES—None.

NOES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Walker, Weed, Willis, Wolfe, and Wright—29.

Whereupon the President directed the Secretary to request the Assembly to recede from the above amendment to Senate Bill No. 11.

CONSIDERATION OF SPECIAL ORDER.

The hour having arrived for the consideration of the special order heretofore set for this hour, being the consideration of Committee Substitutes for Senate Bills Nos. 4, 8, 9 and 10, the same was taken up.

RESOLUTION—(OUT OF ORDER).

The following resolution was offered:

By Senator Miller:

Resolved, That Committee Substitute for Senate Bills Nos. 4, 8, 9, and 10 respectively, present cases of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bill shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read.

The question being on the adoption of the same.

The roll was called, and Section 15 of Article IV of the Constitution suspended, and the resolution adopted by the following vote:

AYES—Senators Anderson, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Willis, Wolfe, and Wright—31.

NOES—None.

CASES OF URGENCY.

Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis, as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the word "25th" and inserting in lieu thereof the word "27th"; also strike out of same line the letter "n," and insert in lieu thereof the word "midnight."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 4, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the word "25th" and inserting in lieu thereof the word "27th"; also, strike out of same line the letter "m." and insert in lieu thereof the word "midnight."

Motion adopted.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Committee Substitute for Senate Bill No. 8, with instructions to amend, respectfully report the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis as a special committee of one, to amend as follows:

By striking out of Section 2, line 2, the word "25th" and inserting in lieu thereof the word "27th"; also, in the same line strike out the letter "m." and insert in lieu thereof the word "midnight."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 9, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.

Bill ordered to print and reëngrossment.

Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

Read third time.

MOTION TO REFER TO SPECIAL COMMITTEE OF ONE.

Senator Miller moved to refer to Senator Willis as a special committee of one, to amend as follows:

By striking out of Section 1, lines 7 and 8, the words "and for the trial and rendition of judgments in actions of forcible entry or unlawful detainer"; also, strike out of Section 2, line 2, the word "25th" and insert in lieu thereof the word "27th"; also, strike out of same line the letter "m," and insert in lieu thereof the word "midnight."

Motion carried.

REPORT OF SPECIAL COMMITTEE OF ONE.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your special committee of one, to whom was referred Senate Bill No. 10, with instructions to amend, respectfully reports the same back, amended as per instructions.

WILLIS, Special Committee.

Report of special committee of one, and amendments, adopted.
Bill ordered to print and reëngrossment.

RESOLUTION—(OUT OF ORDER).

The following resolution and preamble were offered:
By Senator Carter:

Senate Resolution relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

WHEREAS, The financial stringency now being experienced in the State of California, as well as in adjoining states, has worked great hardship upon those persons who annually contribute to a large amount of money for the performance of the annual labor upon mining claims, as required by the provisions of Section 2324 of the Revised Statutes of the United States.

Resolved, therefore, by the Senate of the State of California, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of legislation by the Congress next to convene, suspending the operation, for the year 1907, of that portion of the Revised Statutes of the United States, Section 2324 thereof, requiring the expenditure annually of one hundred dollars in labor and improvements upon unpatented mining claims, similar legislation having been enacted by Congress in the years 1893 and 1894; be it therefore

Resolved, That the Secretary of the Senate be and is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Resolution and preamble read and adopted.

RECESS.

At eight o'clock and twenty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess for ten minutes.

RECONVENED.

At eight o'clock and thirty-five minutes P. M., the Senate reconvened.
Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

RESOLUTIONS—(OUT OF ORDER).

The following resolutions were offered:
By Senator Lynch:

Resolved, That H. P. Travers, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all warrants, vouchers, and papers after the close of the session to their proper owners and also to make up a file of three sets of chapters and send the

same to each Senator; and that he be allowed fifty dollars for the above services, and the Controller is instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is instructed to pay the same.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of Secretary of Senate in the sum of \$51.50 in payment of the bills hereto attached, same payable out of Contingent Fund of Senate.

Also:

Resolved, That Lewis A. Hilborn, Secretary of Senate, be and he is hereby authorized and directed to remain after the close of the Thirty-seventh (extra) Session of the Legislature for the purpose of correcting and approving all the Senate records, and to compile and have printed a final calendar of all legislative business of this session. For the purpose of carrying out this work the sum of \$100 is hereby allowed said Lewis A. Hilborn, and the Controller is hereby directed to draw his warrant in favor of said Lewis A. Hilborn, the said sum being payable out of the Contingent Fund of the Senate.

Resolutions read, and referred to Committee on Contingent Expenses.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

On motion of Senator Leavitt, the following report of standing committee was received and read:

ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Have had the same under consideration, and respectfully report the same back with the recommendation that they do not pass.

LUKENS, Chairman.

Assembly Bills Nos. 1, 3, and 4 ordered on file for second reading.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Miller, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day amended, and passed as a case of urgency, so amended, Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10 $\frac{1}{2}$, relating to the publication of said Act, and providing for the payment of the cost of publication of the same—and respectfully request your honorable body to concur in said amendments.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

The question being, "Shall the Senate concur in the following Assembly amendments to Senate Bill No. 7?"

Amend by striking out the words "said Act," in line 1 of Section 1, page 1, of the printed bill, and inserting in lieu thereof as follows: "An Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by

the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds, and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people,' approved March 21, 1907."

And by striking out the words, "said Act," in line 1 of Section 2, page 3, of the printed bill, and inserting in lieu thereof as following: "An Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people,' approved March 21, 1907."

The roll was called, and the Senate concurred in the above Assembly amendments to Senate Bill No. 7 by the following vote:

AYES—Senators Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—32.

NOES—None.

Senate Bill No. 7 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day refused adoption of Senate Joint Resolution No. 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

CLIO LLOYD, Chief Clerk of the Assembly.

By THOS. G. WALKER, Assistant Clerk.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following: Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

And report that the same have been correctly reengrossed.

REILY, Chairman.

CONSIDERATION OF BILLS.

Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 4 passed by the following vote:

AYES—Senators Anderson, Bates, Bell, Broughton, Caminetti, Curtin, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Weed, Welch, Willis, Wolfe, and Wright—27.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 8 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—31.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 9 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Broughton, Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

The question being on the passage of the bill.

The roll was called, and Committee Substitute for Senate Bill No. 10 passed by the following vote:

AYES—Senators Anderson, Bell, Black, Broughton, Caminetti, Carter, Curtin, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—28.

NOES—Senator Belshaw—1.

Title read and approved.

Bill ordered transmitted to the Assembly.

WITHDRAWAL OF BILLS.

Senator Curtin asked for and was granted unanimous consent to withdraw Senate Bills Nos. 1, 2, and 3.

Whereupon the same were ordered withdrawn and stricken from the file.

RECESS.

At nine o'clock and fifteen minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until nine o'clock and thirty minutes P. M., of this day.

RECONVENED.

At nine o'clock and thirty minutes P. M. the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted Committee Substitute for Senate Concurrent Resolution No. 2.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Committee Substitute for Senate Concurrent Resolution No. 2 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day respectfully refused to recede from its amendment to Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith—and appointed Assemblymen Bishop, Otis, and Thompson of Los Angeles as a Committee on Conference to meet a like committee from the Senate.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

COMMITTEE ON CONFERENCE.

Senator Leavitt moved that a Committee on Conference be appointed to meet a like committee from the Assembly on Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

Pursuant to the above motion, the President pro tem. announced that he had appointed Senators Leavitt, Hartman, and Wright to comprise such Committee on Conference.

RECESS.

At ten o'clock and fifty-five minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eleven o'clock and ten minutes P. M., of this day.

RECONVENED.

At eleven o'clock and ten minutes P. M., the Senate reconvened.

Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Conference, to whom was referred Committee Substitute for Senate Bill No. 11, beg leave to report as follows: That they have met a like committee of the Assembly composed of Assemblymen Thompson, Bishop, and Otis, and that they can not agree and recommend that a Committee on Free Conference be appointed.

LEAVITT, Chairman.

Report adopted.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

Pursuant to the above report, duly adopted, the President pro tem. announced that he had appointed Senators Wright, Leavitt, and Hartman to comprise such Committee on Free Conference.

RECESS.

At eleven o'clock and twenty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eleven o'clock and thirty-five minutes P. M., of this day.

RECONVENED.

At eleven o'clock and thirty-five minutes P. M. the Senate reconvened. Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holiday.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Committee Substitutes for Senate Bills Nos. 4, 8, and 9, respectively, ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of its Conference Committee on Assembly Amendment No. 5, to Committee Substitute for Senate Bill No. 11, and have appointed as a Committee on Free Conference Assemblymen Bishop, Thompson of Los Angeles, and Otis, and respectfully request your honorable body to appoint a like Committee on Free Conference to meet with the Assembly committee.

CLIO LLOYD, Chief Clerk.

REPORT OF COMMITTEE ON FREE CONFERENCE.

The following report of Committee on Free Conference was received and read:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Free Conference, to whom was referred Committee Substitute for Senate Bill No. 11, have met a like committee from the Assembly composed of Assemblymen Bishop, Thompson of Los Angeles, and Otis, and have had the same under consideration and beg leave to report as follows: That in lieu of Amendment No. 5 as offered by the Assembly to Committee Substitute No. 11, your committee recommend that the Senate and Assembly adopt the following: "On line 23, after the word 'the,' insert the following: 'collection of the first installment of said taxes and the fifteen per cent penalty for delinquency thereof,' in lieu of the following: 'Matters herein enumerated and imposed by law.'"

WRIGHT, Chairman,
LEAVITT,
HARTMAN.

The question being on the adoption of the report.

The roll was called, and the report of the Committee on Free Conference adopted by the following vote:

AYES—Senators Anderson, Bell, Belshaw, Boynton, Broughton, Caminetti, Carter,

Curtin, Greenwell, Hartman, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Price, Reily, Rolley, Rush, Sanford, Walker, Willis, Wolfe, and Wright—25.
NOES—None.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 4.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

Also: Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

And report that the same have been correctly enrolled, and presented the same to the Governor on the twenty-second day of November, 1907, at eleven o'clock P. M.

REILY, Chairman.

RECESS.

At eleven o'clock and forty minutes P. M., on motion of Senator Leavitt, the President pro tem. declared the Senate at recess until eleven o'clock and forty-five minutes P. M., of this day.

RECONVENED.

At eleven o'clock and forty-five minutes P. M., the Senate reconvened. Hon. Edward I. Wolfe, President pro tem. of the Senate, in the chair.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day passed Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Committee Substitute for Senate Bill No. 10 ordered to enrollment.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Assembly Concurrent Resolution No. 2—Relative to adjournment *sine die*.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Senator Leavitt, Assembly Concurrent Resolution No. 2 was taken up for consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 2.

Relative to adjournment *sine die*.

Resolved by the Assembly, the Senate concurring, That the two houses of the Legislature adjourn *sine die* at twelve o'clock noon, on Saturday, November 23, 1907.

The question being on the adoption of the concurrent resolution.

The roll was called, and Assembly Concurrent Resolution No. 2 finally adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Boynton, Broughton, Caminetti, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, McCartney, McKee, Price, Rambo, Reily, Rolley, Sanford, Walker, Willis, Wolfe, and Wright—26.
NOES—None.

Assembly Concurrent Resolution No. 2 ordered transmitted to the Assembly.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes P. M., on motion of Senator Hartman, the President pro tem. declared the Senate adjourned until nine o'clock A. M., Saturday, November 23, 1907.

IN SENATE.

SENATE CHAMBER,

Saturday, November 23, 1907.

Pursuant to adjournment, the Senate met at nine o'clock A. M.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by Rev. Richard Rodda.

READING OF THE JOURNAL.

During the reading of the Journal of Friday, November 22, 1907, the further reading was dispensed with, on motion of Senator Weed.

APPROVAL OF JOURNALS.

The Journals of Thursday, November 21, 1907, and Friday, November 22, 1907, having been previously read and corrected, were approved.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Sergeant-at-Arms of the Senate be allowed the sum of ninety dollars (\$90) for services to be rendered after the close of the session checking up and storing furniture in warehouse and performing other necessary work, and the Controller is hereby directed to draw his warrant for the same payable out of the Contingent Fund of the Senate, and the Treasurer to pay the same.

Also:

Resolved, That the Controller be and he is hereby authorized to draw his warrant in favor of J. Louis Martin, Sergeant-at-Arms, on the Contingent Fund of the Senate, and the State Treasurer is hereby authorized to pay the same, for the sum of \$202.77, as per bills attached:

Labor	\$138 00
F. R. Fulford	29 75
H. W. Rivett	4 00
John Breuner Co.	22 83
Hale Bros.	8 19
Total	\$202 77

Also:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Senate in favor of J. Louis Martin, Sergeant-at-Arms, and the Treasurer is hereby authorized to pay the same, in favor of the following-named persons as per bills attached:

Union League Club	\$290 00
Scott, Lyman & Stack	64 20
Lathrop & Johnson	112 19
Globe Transfer Co.	42 50
Total	\$508 89

Also:

Resolved, That H. P. Travers, Bookkeeper to the Sergeant-at-Arms of the Senate, be instructed to deliver all warrants, vouchers, and papers after the close of the session to their proper owners and also to make up a file of three sets of chapters and send the same to each Senator; and that he be allowed fifty dollars for the above services, and the Controller is instructed to draw his warrant for the same, payable out of the Contingent Fund of the Senate, and the Treasurer is instructed to pay the same.

Also:

Resolved, That the Controller of State be and he is hereby directed to draw his warrant in favor of Secretary of Senate in the sum of \$51.50 in payment of the bills hereto attached, same payable out of Contingent Fund of Senate:

Remington Typewriter Co.	\$4 50
H. S. Crocker Co.	30 50
A. J. Johnston Co.	2 75
H. E. Sleeper & Co.	1 75
H. E. Sleeper & Co.	12 00
Total	\$51 50

Also:

Resolved, That Lewis A. Hilborn, Secretary of Senate, be and he is hereby authorized and directed to remain after the close of the Thirty-seventh (extra) Session of the Legislature for the purpose of correcting and approving all the Senate records, and to compile and have printed a final calendar of all legislative business of this session. For the purpose of carrying out this work the sum of \$100 is hereby allowed said Lewis A. Hilborn, and the Controller is hereby directed to draw his warrant in favor of said Lewis A. Hilborn, the said sum being payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and respectfully report the same back, with the recommendation that they be adopted.

WOLFE, Chairman.

Report and resolutions read.

The question being on the adoption of the report and resolutions.

The roll was called, and the report and resolutions were adopted by the following vote:

AYES—Senators Anderson, Anthony, Bell, Belshaw, Black, Boynton, Caminetti, Curtin, Hartman, Irish, Keane, Leavitt, Lynch, Markey, McCartney, McKee, Nelson, Price, Rambo, Reily, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wright:

Resolved, The Senate and Assembly have reached a conclusion of their labors upon the work for which His Excellency, Governor James N. Gillett, convened the Legislature in extraordinary session; and

WHEREAS, The members of the Senate coming from distant parts of the great State of California and representing as citizens many of the great business interests of the State, have during the present extra session had unusual and extraordinary opportunities to obtain thoroughly reliable and ample information as to the financial condition of the banking and business interest of the State; and

WHEREAS, Such information discloses that the business institutions of the State are sound and on a basis which warrants the immediate return of confidence among the people, and the assurance of the resumption of great business activity and prosperity throughout the entire commonwealth. Now, therefore, be it

Resolved, That the Senate extend its congratulations to the people of California upon the general stability and soundness of our financial institutions and upon the unmistakable evidence of a speedy return of that saneness and common sense and confidence which is characteristic of the people of this State. And further be it

Resolved, That we commend Governor Gillett for the wise and beneficent executive measures with which he has met the exigencies of the very extraordinary conditions which have existed lately as well in California as elsewhere, and which has enabled the business men of our State safely to emerge from the period of apparently unnecessary financial stringency.

Resolution read and adopted.

By Senator Lukens:

Be it Resolved, That a committee of three (3) Senators in the Legislature of California at its Thirty-seventh (37th) Session, convened by the Proclamation of the Governor (dated 15th day of November A. D. 1907, declaring an extraordinary occasion for a legislative session exists), be appointed by the President of the Senate to investigate and report at the Regular Session of the Legislature which shall commence on the first Monday after the first day of January, A. D. 1909, upon the subject of the compensation of the members and all persons connected with the Legislative Department in representative governments.

Resolution read, and referred to Committee on Constitutional Amendments.

By Senator Savage:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrant and the Treasurer of the State to pay the same out of the Contingent Fund of the Senate, for the sum of \$20, in favor of G. Ray Horton, for services in remaining after final adjournment, and assisting to properly paste, label and arrange the original minutes of the Senate, which, according to law, must be arranged, signed and delivered to the Secretary of State.

Resolution read, and referred to Committee on Contingent Expenses.

MOTION.

Senator Belshaw moved that the President's letter to Secretary Cortelyou, as printed in the San Francisco Chronicle of Monday, November 18, 1907, be printed in full in the Journal.

Motion carried.

THE PRESIDENT'S LETTER TO SECRETARY CORTELYOU.

THE WHITE HOUSE, WASHINGTON, November 17, 1907.

MY DEAR MR. CORTELYOU: I have considered your proposal. I approve of the issue of the \$50,000,000 of Panama bonds, which will be immediately available as

the basis for additional currency. I also approve the issue of \$100,000,000, or so much as you may find necessary of 50 three per cent interest-bearing Government notes, the proceeds of the sale of which can be at once deposited by you where the greatest need exists, and especially in the West and South, where the crops have to be moved. I have assurance that the leaders of Congress are considering a currency bill which will meet in permanent fashion the needs of the situation, and which, I believe, will be passed at an early date after Congress convenes two weeks hence.

What is most needed just now is that our citizens should realize how fundamentally sound business conditions in this country are, and how absurd it is to permit themselves to get into a panic and create a stringency by hoarding their savings instead of trusting perfectly sound banks. There is no particle of risk involved in letting business take its natural course, and the people can help themselves and the country most by putting back into active circulation the money they are hoarding. The banks and trust companies are solvent. There is more currency in the country to-day than there was a month ago, when the supply was ample. Since then \$55,000,000 in gold has been imported and the Government has deposited \$60,000,000. These are facts; and I appeal to the public to co-operate with us in restoring normal business conditions. The Government will see that the people do not suffer if only the people themselves will act in a normal way. Crops are good and business conditions are sound, and we should put the money we have into circulation at once to meet the needs of our abounding prosperity.

There is no analogy at all with the way things were in 1893. On November 30th. of that year there was in the Treasury but \$161,000,000 in gold. On November 14th of this year there was in the Treasury \$904,000,000 gold. Ten years ago the circulation per capita was \$23.23. It is now \$33.33. The steps that you now take, the ability of the Government to back them up, and the fact that not a particle of risk is involved therein, give the fullest guaranties of the sound condition of our people and the sound condition of our Treasury.

All that our people have to do now is to go ahead with their normal business in a normal fashion, and the whole difficulty disappears; and this end will be achieved if each man will act as he normally does act, and as the real condition of the country's business fully warrants his now acting.

Sincerely yours,

THEODORE ROOSEVELT.

Upon receipt of President Roosevelt's letter of approval the following statement was issued by the Secretary of the Treasury:

"The available cash balance of the Treasury, amounting to \$240,156,431, is, with the exception of a small working balance, now on deposit in national banks in every state and territory in the Union, thus placing it where it can serve the needs of the people so far as possible under existing laws.

"The Secretary of the Treasury, with the approval of the President, has announced an issue of Panama bonds to the extent of \$50,000,000. He has also, with the approval of the President, availed himself of certain provisions of the law applying to the transactions of the Treasury in times of emergency. These provisions are contained in Section 32 of the Act of June 13, 1898, authorizing the issuance of interest-bearing certificates of indebtedness to run for one year. Certificates bearing 3 per cent interest will be issued to the extent, if necessary, of \$100,000,000.

"The Panama bonds will serve as a measure of most substantial relief, for among other things the law expressly provides that they may be used as a basis for additional national bank circulation.

"The proceeds of the sale of certificates provided for under the above section can be deposited almost simultaneously with the purchase upon approved security. They can be made directly available at points where the need is most urgent and especially for the movement of the crop, which, if properly accelerated, will give the greatest relief and result in the most immediate financial returns. The acceptance of subscriptions by the Secretary of the Treasury will be made with special reference to such use. Both the bonds and certificates are attractive as absolutely safe investments.

"These measures will, among other things, enable the Secretary of the Treasury to meet public expenditures without withdrawing for that purpose any appreciable amount of public moneys now deposited in national banks throughout the country."

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day adopted the report of its Committee on Free Conference on Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11.

Committee Substitute for Senate Bill No. 11—An Act to add a new section to the

Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for the payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Committee Substitute for Senate Bill No. 11 ordered to print and enrollment.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 104, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Also: Committee Substitute for Senate Concurrent Resolution No. 2.

Also: Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

And report that the same have been correctly enrolled, and presented the same to the Governor on the twenty-third day of November, 1907, at eleven o'clock A. M.

REILY, Chairman.

MESSAGE FROM GOVERNOR—(OUT OF ORDER).

On motion of Senator Leavitt, the following message from the Governor was received and read:

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, November 23, 1907.

To the Senate of the State of California:

I have the honor to inform your honorable body that I have this day approved.

Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 5—An Act making an appropriation to pay the claims of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco, in the months of May, June and July, 1907.

Also: Senate Bill No. 12—An Act transferring money from the General Fund to the Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and the State Treasurer to make such transfer.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

Also: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Also: Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

J. N. GILLET, Governor of the State of California.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

On motion of Senator Wolfe, the following report of standing committee was received and read:

ON CONTINGENT EXPENSES.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the following:

Resolved, That the Controller of the State be and he is hereby directed to draw his warrant, and the Treasurer of the State to pay the same out of the Contingent Fund of the Senate, for the sum of twenty dollars, in favor of G. Ray Horton, for services in remaining after final adjournment, and assisting to properly paste, label and arrange the original minutes of the Senate, which, according to law, must be arranged, signed and delivered to the Secretary of State.

Have had the same under consideration, and respectfully report the same back, with the recommendation that it be adopted.

WOLFE, Chairman.

Report and resolution read.

The question being on the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Hartman, Irish, Leavitt, Lukens, Markey, McKee, Nelson, Price, Rambo, Reily, Rolley, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—29.

NOES—None.

RESOLUTIONS.

The following resolutions were offered:

By Senator Wright:

Resolved, That a committee of three be appointed by the President of the Senate to wait upon the Governor and inform His Excellency that the Senate is about to adjourn and awaits his pleasure.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Wright, Nelson, and Sanford to notify the Governor of the readiness of the Senate to adjourn *sine die*.

RESOLUTIONS—(RESUMED).

By Senator Black:

Resolved, That a committee of three be appointed by the President of the Senate to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to present to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Black, Markey, and Caminetti to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

APPOINTMENT OF COMMITTEE PROVIDED FOR IN SENATE CONCURRENT RESOLUTION No. 2.

The President announced that, pursuant to the provisions of Senate Concurrent Resolution No. 2—Relative to the appointment of a committee of three Senators and three members of the Assembly for the purpose of investigating into the business methods employed generally by the banks and banking houses of the State of California, with a view to amending the present banking and trust laws so as to afford better protection to the depositor and to the business world—he has appointed Senators Leavitt, Wolfe, and Curtin to comprise such committee.

REPORT OF COMMITTEE.

Senators Black, Markey, and Caminetti, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duty assigned them.

REPORT OF SENATE COMMITTEE.

Senator Wright, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that His Excellency had informed the committee that he had no further communication to forward to the Senate.

REPORT OF ASSEMBLY COMMITTEE.

At eleven o'clock and fifty-one minutes A. M., a committee from the Assembly, Mr. Drew, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

APPROVAL OF MINUTES.

The minutes of this day, Saturday, November 23, 1907, were read and approved.

VALEDICTORY BY THE PRESIDENT.

The President, in bidding farewell to the members of the Senate, spoke as follows:

Gentlemen of the Senate: The Senate of the California Legislature, Thirty-seventh (extra) Session, is about to adjourn *sine die*. Before doing so, however, I wish to thank each and every Senator for the uniform courtesy and kindness shown me as the pre-

siding officer of this august body. You have borne with me most graciously, both in session and out of session, and I am, indeed, most grateful for your consideration on all occasions. The opportunity I have thus been afforded to know you personally and to acquire your esteemed friendship I deem one of the great privileges of my life. In farewell, I wish you all happiness and prosperity.

FINAL ADJOURNMENT.

Whereupon, at twelve o'clock M., in accordance with the provisions of Assembly Concurrent Resolution No. 2, Lieutenant-Governor Warren R. Porter, President of the Senate, declared the Thirty-seventh (extra) Session of the Senate of the State of California adjourned *sine die*.

WARREN R. PORTER,
President of the Senate.

EDWARD I. WOLFE,
President pro tem. of the Senate.

LEWIS A. HILBORN,
Secretary of the Senate.

G. RAY HORTON,
Minute Clerk of the Senate.

C. S. MILNES,
Journal Clerk of the Senate.

CALIFORNIA LEGISLATURE—SENATE.

THIRTY-SEVENTH (SECOND EXTRA) SESSION.

IN SENATE.

SENATE CHAMBER,
Saturday, November 23, 1907.

The Senate met at one o'clock P. M., in pursuance to the proclamation of His Excellency J. N. Gillett, Governor of the State of California, dated November 23, 1907, convening the Legislature of the State of California in extraordinary session.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair, by virtue of Section 238, Article II, of the Political Code.

Pursuant to Section 237, of Article II, of the Political Code, Lewis A. Hilborn, Secretary of Senate; G. Ray Horton, Minute Clerk, and J. Louis Martin, Sergeant-at-Arms, were present, and occupied their respective positions.

Lieutenant-Governor Warren R. Porter now called the Senate to order.

The roll was called, and the following answered to their names:

Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Cartwright, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McCartney, McKee, Miller, Nelson, Price, Rambo, Reilly, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—38.

Quorum present.

PRAYER.

Prayer was offered by Rev. C. H. Darling.

PROCLAMATION OF THE GOVERNOR.

The President directed the Secretary, Lewis A. Hilborn, to read the proclamation by the Governor convening the Legislature in extraordinary session.

Whereupon, the Secretary read the following proclamation:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT. }

WHEREAS, An extraordinary occasion having arisen and now existing, requiring the Legislature of the State of California to convene:

NOW, THEREFORE, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by section nine, article five of the

Constitution of the State of California, do hereby convene the Legislature to meet and assemble in extraordinary session at Sacramento, California, Saturday, November twenty-third, nineteen hundred and seven, at one o'clock P. M., for the purpose of taking legislative action upon the following subject, to wit:

To approve proposed amendments to the Charter of the City and County of San Francisco, State of California, as follows:

Charter Amendment No. 2, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 5, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County and bonds to be given in connection with the same, and the character, terms and conditions of such contracts, and permitting progressive payments to be provided for thereon upon certain terms and conditions."

Charter Amendment No. 6, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 9, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes; and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9," relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III, Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos. 1 to 19 inclusive of Chapter III of Article VI of said Charter and by adding new sections to said Chapter of said Article of said Charter, to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 11 of Section 1, of Chapter III of Article VII thereof, relating to the leasing of real property of the school department."

Charter Amendment No. 15, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II of Article II thereof, relating to the powers of the Supervisors

of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 17, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 14, of Section 1, of Chapter II of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled "Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new Article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a playground commission."

Charter Amendment No. 19, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 21, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employees of the Department of Electricity."

The same having been ratified by a majority of the qualified electors of the City and County of San Francisco, at a general election held therein on Tuesday, November 5, 1907.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California at my office in the State Capitol, at Sacramento, this twenty-third day of November, in the year of our Lord the one thousand nine hundred and seventh, and of the admission of the State of California the fifty-seventh.

[SEAL]

ATTEST:

C. F. CURRY,
Secretary of State.

J. N. GILLETT,
Governor of the State of California.

RESOLUTIONS.

The following resolutions were offered:

By Senator Leavitt:

Resolved, That the Senate do now organize and proceed to elect the officers and employees of the Senate for this extra session.

Resolution read and adopted.

By Senator Anderson:

Resolved, That Honorable Edward I. Wolfe be and he is hereby elected President pro tem. of the Senate;

That Lewis A. Hilborn be and he is hereby elected Secretary of the Senate;

That J. Louis Martin be and he is hereby elected Sergeant-at-Arms of the Senate;

That G. Ray Horton be and he is hereby elected Minute Clerk of the Senate;

That S. Redmond be and he is hereby elected Assistant Secretary of the Senate, at a per diem of \$6;

That F. Cox be and he is hereby elected Assistant Secretary of the Senate, at a per diem of \$6;

That L. A. Pfeiffer be and he is hereby elected Enrolling and Engrossing Clerk of the Senate, at a per diem of \$6;

That J. W. Kavanagh be and he is hereby elected Assistant Secretary of the Senate, at a per diem of \$6;

That C. S. Milnes be and he is hereby elected Journal Clerk of the Senate, at a per diem of \$6;

That J. G. McCall be and he is hereby elected Assistant Sergeant-at-Arms, at a per diem of \$5.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Boynton, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Irish, Keane, Kennedy, Leavitt, Lukens, McCartney, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Welch, Willis, and Wright—31.

NOES—None.

Whereupon the President declared each person named in the foregoing resolution duly elected.

By Senator Rolley:

Resolved, That a committee of three Senators be appointed by the President of the Senate to notify the Governor of the organization of the Senate, and that the Senate is now ready for business and to receive any communications he may have to make.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE TO WAIT UPON GOVERNOR.

In compliance with the above resolution, the President of the Senate appointed Senators Rolley, Belshaw, and Kennedy as such committee.

RESOLUTIONS—(RESUMED).

By Senator Price:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.—Edward I. Wolfe.
Secretary of the Senate—Lewis A. Hilborn.
Sergeant-at-Arms—J. Louis Martin.
Minute Clerk—G. Ray Horton.

Resolution read and adopted.

By Senator Nelson:

Resolved, That the Standing Rules of the thirty-seventh regular session be and the same are hereby adopted as the rules of the Senate at this special session, except that Paragraph VIII be amended to read as follows:

"VIII. The standing committees of the thirty-seventh regular session shall be the standing committees of this extra session."

Resolution read and adopted.

REPORT OF COMMITTEE TO WAIT UPON GOVERNOR.

MR. PRESIDENT: Your committee of three, appointed to wait upon the Governor, respectfully beg leave to report that they have informed him that the Senate is organized and ready for business.

ROLLEY, Chairman.

MESSAGE FROM THE ASSEMBLY.

On motion of Senator Leavitt, the following message from the Assembly was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following resolution:

Resolved, That the Chief Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency, the Governor, dated Saturday, November 23, 1907, and ready for the transaction of legislative business, with the following officers, to wit:

Speaker—R. L. Beardslee.
Speaker pro tem.—J. P. Transue.
Chief Clerk—Clío Lloyd.
Sergeant-at-Arms—John T. Stafford.
Assistant Clerks—T. G. Walker, W. H. Wright, H. E. Miller.
Journal Clerk—R. L. Dempsey.
Minute Clerk—H. A. Harper.
Chaplain—W. F. Reagor.

CLIO LLOYD, Chief Clerk of the Assembly.

RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Senator Lukens:

Be it resolved, That a committee of three (3) Senators in the Legislature of California at its Thirty-seventh (37th) Session (convened by the proclamation of the Governor, dated 23d day of November, A. D. 1907, declaring an extraordinary occasion for a legislative session exists,) be appointed by the President of the Senate to investigate and report at the regular session of the Legislature which shall commence on the first Monday after the first day of January, A. D. 1909, upon the subject of the compensation of the members and all persons connected with the legislative department in representative governments.

Resolution read, and referred to Committee on Federal Relations.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following Senate Concurrent Resolution was offered:

By Senator Wolfe: Senate Concurrent Resolution No. 1—Relative to approving certain proposed amendments to the Charter of the City and County of San Francisco, State of California.

Senate Concurrent Resolution No. 1 referred to Committee on Municipal Corporations.

RUSH ORDER TO PRINTER.

On motion of Senator Lukens, the Secretary was directed to issue a rush order for the printing of Senate Concurrent Resolution No. 1.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON MUNICIPAL CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Municipal Corporations, to whom was referred Senate Concurrent Resolution No. 1—Relative to approving proposed amendments to the Charter of the City and County of San Francisco, State of California, as follows:

Charter Amendment No. 2, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 5, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the city and county and bonds to be given in connection with the same, and the character, terms and conditions of such contracts, and permitting progressive payments to be provided for thereon upon certain terms and conditions."

Charter Amendment No. 6, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Section 2 of Article V thereof, relating to the bonds of officers of the city and county."

Charter Amendment No. 7, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said city and county for urgent necessities not otherwise provided for by law."

Charter Amendment No. 9, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the city and county

to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes; and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section 9, relating to the sale of lands by the city and county."

Charter Amendment No. 11, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by repealing Section 20, Chapter III Article VI of said charter, and by adding a new chapter to said article of said charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by repealing Sections Nos. 1 to 19 inclusive of Chapter III of Article VI of said charter and by adding new sections to said chapter of said article of said charter, to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Section 5 of Article I thereof, relating to the liability for damages of said city and county and its officials."

Charter Amendment No. 14, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Subdivision 11 of Section 1, of Chapter III of Article VII thereof, relating to the leasing of real property of the school department."

Charter Amendment No. 15, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Subdivision 3 of Section 1, of Chapter II of Article II thereof, relating to the powers of the Supervisors of said city and county to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said city and county."

Charter Amendment No. 17, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Subdivision 14, of Section 1, of Chapter II of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled "Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a playground commission."

Charter Amendment No. 19, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the charter of said city and county by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 21, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX of Article IX of the charter of said city and county, relative to the salaries of the chief and of the employees of the Department of Electricity."

The same having been ratified by a majority of the qualified electors of the City and County of San Francisco, at a general election held therein on Tuesday, November 5, 1907.

Have had the same under consideration, and respectfully report the same back with the recommendation that it be adopted.

SAVAGE, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Senator Wolfe, Senate Concurrent Resolution No. 1 was taken up for immediate consideration.

SENATE CONCURRENT RESOLUTION No. 1.

Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has been

ever since the eighth day of January in the year one thousand nine hundred, and is now organized and acting under a Freeholders' Charter, adopted under and by virtue of Section eight of Article eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which Charter was not amended within an interval of two years immediately prior to the Fifth day of November, one thousand nine hundred and seven; and

WHEREAS, The legislative authority of said City and County, namely the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco, twenty-one certain amendments to the Charter of said City and County of San Francisco by the submission of twenty-one proposals, entitled, as follows, to wit:

Charter Amendment No. 1, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 10 and 12 of Article XII, and Section 29 of Article XVI thereof, relating to bonds issued for the acquisition of public utilities and the character of such bonds, the registration thereof, and the levy of taxes to provide for the interest thereon and a sinking fund therefor, and to bonds issued for the acquisition of land or lands and the construction or acquisition of any permanent building or buildings, improvement or improvements, and the character and registration of such bonds and the proceedings for the issuance thereof."

Charter Amendment No. 2, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 4, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article IV thereof, relating to the custody by the Treasurer of public funds and authorizing their deposit in certain banks upon certain terms and conditions."

Charter Amendment No. 5, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County, and bonds to be given in connection with the same, and the character, terms and conditions of such contracts and permitting progressive payments to be provided for thereon, upon certain terms and conditions."

Charter Amendment No. 6, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 8, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Chapters 8, 4 and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof."

Charter Amendment No. 9, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes; and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9," relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III, Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos. 1 to 19 inclusive of Chapter III of Article VI of said Charter, and by adding new sections to said Chapter of said Article of said Charter to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 11 of Section 1 of Chapter III of Article VII thereof, relating to the leasing of real property of the School Department."

Charter Amendment No. 15, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II of Article II thereof, relating to the powers of the Supervisors of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 16, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article II thereof, relating to official advertising."

Charter Amendment No. 17, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 14, of Section 1, of Chapter II, of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled—"Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a Playground Commission."

Charter Amendment No. 19, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 20, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter V of Article VIII, and Section 1 of Chapter VI of Article VIII, thereof, relative to the salaries of members of the Police Department."

Charter Amendment No. 21, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employees of the Department of Electricity"; and

WHEREAS, Said twenty-one proposals aforementioned containing said proposed amendments to said Charter were, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the official newspaper of said City and County; and

WHEREAS, The said legislative authority of said City and County, did by Resolution No. 1308 (New Series) of the Board of Supervisors, passed September 16, 1907, instruct the Board of Election Commissioners of said City and County to place upon the ballot at a general municipal election to be held in said City and County of San Francisco on the Fifth day of November, One Thousand Nine Hundred and Seven, the said twenty-one several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the Fifth day of November One Thousand Nine Hundred and Seven, which day was more than forty days after said proposed amendments had been published for Twenty days in "The Evening Post" newspaper; and

WHEREAS, On the Eleventh day of November One Thousand Nine Hundred and Seven and thereafter, at meetings duly convened in accordance with law, and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said general municipal election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County; and

WHEREAS, At said general municipal election so held on the Fifth day of November One Thousand Nine Hundred and Seven, twenty of said proposed amendments were ratified by a majority of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors; and

WHEREAS, Thereafter, to wit, on the Fifteenth day of November One Thousand Nine Hundred and Seven, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of Votes polled at the General Municipal Election held in the City and County of San Francisco, State of California, on Tuesday, the Fifth day of November, A. D. 1907, for Charter Amendments * * *" and also filed a duplicate thereof in the Office of the Secretary of State of California; and

WHEREAS, The Governor of the State of California by virtue of the power and authority vested in him by Section Nine Article Five of the Constitution of the State of California convened the Legislature to meet and assemble in extraordinary session on Tuesday, the Nineteenth day of November, A. D. 1907, for the purpose among other things, of taking legislative action upon four of said amendments to the Charter of the City and County of San Francisco, namely: that Numbered One, relating to municipal bonds; that Numbered Four, relating to deposits of public funds in banks; that Numbered Eight, relating to salaries and vacations of members of the Fire Department; and that Numbered Twenty, relating to salaries of members of the Police Department; and

WHEREAS, Said Four amendments were presented to the Legislature of the State of California convened in extraordinary session as aforesaid, and were approved by said Legislature in the manner required by law; and

WHEREAS, The Governor of the State of California on the twenty-third day of November, A. D., 1907, again convened the Legislature to meet in extraordinary session on the twenty-third day of November, A. D., 1907, for the purpose of taking legislative action upon the sixteen amendments to the Charter of the City and County of San Francisco hereinafter set forth, which amendments although ratified by the electors of said City and County on the Fifth day of November, A. D., 1907, were not included in the Proclamation of said Governor convening the Legislature in extraordinary session on the Nineteenth day of November A. D. 1907; and

WHEREAS, The said sixteen amendments so ratified by the electors of the City and County of San Francisco at said General Municipal Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

That Chapter I of Article II of said Charter be amended by adding thereto a new section to be numbered Section 23, and to read as follows:

SECTION 23. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 30 per centum of the entire vote cast at the election at which the officer sought to be removed was elected demanding the election of a successor to the person sought to be removed, shall be filed with the Board of Election Commissioners; *provided*, that the petition sent to the Board of Election Commissioners shall contain a general statement of the grounds for which the removal is sought. The petition shall be presented, and the signatures thereto shall be authenticated and verified as in this Charter provided, in relation to petitions for the submission of Charter amendments and ordinances to the electors.

If the petition shall be found to be sufficient, the Board of Election Commissioners shall transmit the same to the Board of Supervisors without delay, and attach thereto their certificate showing the result of said examination. The Board of Supervisors shall thereupon call a special election, fix the date for holding the same, which date shall be not less than thirty days nor more than forty days from the date of the reception of said petition and certificate from the Board of Election Commissioners.

The Board of Election Commissioners shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other municipal elections. The successor of any officer so removed shall hold office during

the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself; and unless he requests otherwise in writing, the Board of Election Commissioners shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from the office, upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office.

That Section 12 of Chapter I of Article III of said Charter be amended to read as follows:

SECTION 12. In making the apportionment the Supervisors shall take into account and apportion to the several funds the income and revenue estimated to arise during the fiscal year from licenses, fees, and other sources, but the income to pay the interest on the bonded indebtedness and to provide for the sinking funds shall always be provided for out of the tax on property, *provided*, that whenever any bonded indebtedness shall have been incurred for the acquisition of any of the public utilities named in Article XII of this Charter, the surplus earnings of any such utility for the fiscal year may be applied upon the interest and sinking fund of the bonded indebtedness of such utility for the succeeding fiscal year.

That Section 21 of Chapter I, of Article VI, of said Charter be amended to read as follows:

SECTION 21. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

Every contract entered into by the board shall be signed by all the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the board, and the other, with said specifications and drawings, shall be delivered to the contractor.

At the same time with the execution of the contract, the contractor shall execute to the City and County and deliver to the secretary of the board a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the board, or shall deposit with the secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on real property, not exempt from execution or subject to homestead claim, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be surety to the City and County, and each surety shall justify and make an affidavit (for which a form shall be printed upon said bond) signed by him, that he is assessed upon the last assessment book of the City and County in his own name, for real property, in an amount greater than his liability on all bonds on which he is surety to the City and County, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board, the Supervisors may extend said time, but in no event shall the time for the performance of said contract be extended by the Supervisors more than 90 days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the Board of Public Works, a further extension may be granted by vote of fourteen members of the Board of Supervisors.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not thereafter pay or allow to him any further compensation for any work done by him under said contract; and in the case of the improvement of streets, where the work is to be paid for by assessment levied upon real property, no assessment shall be made for the work done under said contract.

Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time 75 per cent of the value of the labor done and materials furnished and used up to that time, and no contract shall provide for or authorize or permit the payment of more than 75 per cent of the contract price before the completion and acceptance by the proper officer or board of the work under said contract.

That Section 2 of Article V of said Charter be amended to read as follows:

SECTION 2. The following officers shall respectively execute official bonds to the City and County, with sureties, in the following sums:

Mayor, twenty-five thousand dollars; Auditor, fifty thousand dollars; Treasurer, two hundred thousand dollars; Tax Collector, one hundred thousand dollars;

Assessor, fifty thousand dollars; County Clerk, fifty thousand dollars; Recorder, ten thousand dollars; Sheriff, fifty thousand dollars; Coroner, ten thousand dollars; City Attorney, ten thousand dollars; District Attorney, ten thousand dollars; Public Administrator, fifty thousand dollars; Superintendent of Public Schools, five thousand dollars; each Commissioner of Public Works, twenty-five thousand dollars; Clerk of the Supervisors, ten thousand dollars; each Supervisor, five thousand dollars; each School Director, five thousand dollars; each Fire Commissioner, ten thousand dollars; each Police Commissioner, five thousand dollars; each Election Commissioner, ten thousand dollars; Property Clerk of Police Department, ten thousand dollars; the Warrant and Bond Clerk, ten thousand dollars.

In all cases of elective officers, officers appointed by the Mayor, and officers whose bonds are fixed by the Charter, the premium or charge for such bonds shall be paid by the City and County; *provided, however*, that no premium or charge shall exceed one half of one per cent per annum on the amount of such bond.

That Section 8 of Chapter I of Article III, of said Charter be amended to read as follows: .

SECTION 8. The Supervisors may appropriate \$100,000 a year for urgent necessities not otherwise provided for by law. No money shall be paid out of this appropriation unless authorized by a five-sixths vote of all the members of the Board of Supervisors, and approved by the Mayor.

That three new sections be added to said Charter, to be known as Sections 14, 15 and 16 of Article XII thereof, to read as follows:

SECTION 14. The City and County shall have power to acquire, construct or complete any public utility from funds derived from taxes levied for that purpose, or from funds derived from the sale of bonds issued for that purpose, as is provided in this Charter, and may operate, maintain, sell or lease the same, subject to the other provisions and limitations of this Charter.

SECTION 15. The Supervisors shall have power, in the name and for the benefit of the City and County, to acquire by purchase or condemnation, subject to the conditions and limitations in this Charter and the general laws of the State prescribed, any lands situated within the State of California necessary for constructing or maintaining canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the City and County, or the inhabitants thereof.

SECTION 16. 1. Whenever any public utility shall be operated by the City and County, the receipts from such utility shall be paid daily into the city treasury and maintained in a special fund set aside for such utility. The Supervisors may, from time to time, make appropriations from such funds for the following purposes:

- (a) For the payment of the operating expenses of such utility;
- (b) For repairs and reconstruction;
- (c) For payment of interest and sinking fund on the bonds issued for the acquisition or construction of such utility;
- (d) For extensions and improvements;
- (e) For a reserve fund.

2. Whenever the reserve fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the Supervisors shall have the power to appropriate such excess to the general fund.

3. The City and County, when owning any public utility, shall keep the books of account for such public utility distinct from other City and County accounts and in such manner as to show the true and complete financial results of such municipal ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the City and County of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, and in case of such municipal operation the amounts set aside for sinking fund purposes. If any service shall be furnished for the use of such public utility without charge, the accounts shall show as nearly as possible the value of such service, and also the value of such similar service rendered by the public utility to any other municipal department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Supervisors shall cause to be printed annually for public distribution a report showing the financial results, in form as aforesaid, of such municipal ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the Supervisors the result of his examination. Such expert accountant shall be selected in such manner as the Supervisors may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the Supervisors may prescribe.

That Chapter 2, Article II of said Charter be amended by adding thereto a new section to be known and numbered as "Section 9," and to read as follows:

SECTION 9. The City and County of San Francisco shall have power to sell all lands owned by the City and County between Ninth street and Eighteenth street lying in what was formerly Mission Creek, and any and all lands that may be hereafter acquired, excepting lands for parks, squares and children's playgrounds, and

the Board of Supervisors of said City and County may by ordinance determine that the public interest or necessity demands the sale of such lands, so owned or held by the City and County.

Such ordinance must describe the lands to be sold, and the terms of sale, which must be for cash in United States gold coin. The land may be sold in one parcel or in subdivisions, as the Supervisors may, in such ordinance, determine, and sales shall be made by the Mayor, as hereinafter provided.

Every such sale must be at public auction, unless the Supervisors shall, in and by such ordinance, determine that all or a portion of such lands shall be sold at private sale.

When a sale at public auction is to be had, the Clerk of the Board of Supervisors must give notice thereof by publishing the same in the official newspaper, and one other daily newspaper published in the City and County, at least three weeks successively next before the sale, which said notice shall describe the lands to be sold, with common certainty.

Such sales at public auction must be made in the City and County, and must be between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon, and must be made on the day named in the notice of sale, unless the same is postponed.

When it shall have been determined by the Supervisors, as hereinbefore provided, that the sale of such lands shall be at private sale, a notice shall be published in the official newspaper, and one other daily newspaper published in the City and County, for two weeks successively next before the day on or after which the sale is to be made, and the land and tenements to be sold must be described therein with common certainty. The notice must state a day on or after which the sale will be made, and must state that all bids or offers will be received by the Mayor of the City and County, at his office. The day last referred to must be at least fifteen days from the first publication of notice; and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing, and must be filed with the Mayor, at his office.

No sale of real estate at private sale shall be confirmed by the Supervisors as hereinafter provided, unless the sum offered shall be at least 90 per cent of the appraised value thereof, to be fixed and determined as next hereinafter provided.

An appraisal of such lands shall be made and filed with the Supervisors, within three weeks after the final passage of the ordinance hereinbefore mentioned, by the Mayor, the Assessor, and the chairman of the Finance Committee of the Supervisors, who are hereby constituted a board of appraisement for such purpose.

When a sale shall have been made by the Mayor, at public auction or at private sale, as hereinbefore provided, he shall require from the person to whom the property is sold a deposit amounting to 10 per cent of the sum bid. He shall immediately thereafter, at the next meeting of the Supervisors, report the fact of such sale to the Supervisors, with a statement of the sum bid, and the name of the bidder, with a request that the Board confirm such sale.

The Clerk of the Supervisors shall immediately thereupon give notice by publication in the official newspaper, and one other daily newspaper published in the City and County, that at a meeting of the Supervisors, to be held not less than twenty, nor more than thirty days, from the first publication of such notice, that such sale has been made, the amount for which the property has been sold, and the name of the purchaser. Such notice shall also contain a statement that at such meeting, if an offer of 10 per cent more in amount than that named in said notice shall be made to the Supervisors, in writing, by a responsible person, the Supervisors will confirm such sale to such person, or order a new sale, as hereinafter provided.

At such meeting, if it appears to the Supervisors that the sum bid is not disproportionate to the value of the property sold, and that a greater sum cannot be obtained, or if an increased bid, as hereinbefore mentioned, be made and accepted the Board of Supervisors may, by an ordinance, passed by an affirmative vote, of at least fifteen of its members, confirm such sale, and direct conveyances to be executed by the Mayor. A certified copy of such ordinance shall be recorded in the County Recorder's office in the County in which the property is situated.

The Board of Supervisors may, in its discretion, confirm or refuse to confirm any sale.

In the event of the refusal of the Board of Supervisors to confirm the sale, all proceedings taken as hereinbefore provided, for the sale of the lands shall be void and of no effect.

If the sale is confirmed by the Board of Supervisors, conveyances must thereupon be made by the Mayor to the person to whom the sale shall have been so confirmed, and shall be delivered to him upon payment of the balance of the purchase price. Such conveyances shall be in the name of the City and County, and shall be effective to convey all the right, title and interest of the City and County in and to the lands therein described, to the grantee therein named.

That Section 20 of Chapter III of Article VI of said Charter, providing for the change or modification of street grades, be repealed.

That a new Chapter be added to Article VI of said Charter, to be known and designated as Chapter VI of said article, said Chapter to read as follows:

CHAPTER VI.

RELATING TO THE MODIFICATION OR CHANGE OF STREET GRADES AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

SECTION 1. The Board of Supervisors is hereby empowered, on the written recommendation of the Board of Public Works, to change or modify the grade of any public street, avenue, lane, alley, place or court to the grade set out in such recommendation, and to regrade, repave, sewer, sidewalk, curb or otherwise improve the same, so as to conform to such change or modified grade in the manner as hereinafter provided. Before any change of grade is attempted, the Board of Supervisors shall pass a resolution of intention to make such change or modification of grade, and it shall in the same resolution, when regrading, repaving, sidewalk, sewer, curbing or other improvement on such street or streets is contemplated in connection therewith, define and establish the district benefited and to be assessed for the payment of damages and for the expense of regrading, repaving, sewer, sidewalk, curbing, or otherwise improving such street or streets so as to conform with such change or modified grade; and it shall have power at the same time and in the same resolution to provide for the actual cost of performing the work of regrading, repaving, sewer, sidewalk, curbing or otherwise improving such street or streets or portion or portions thereof with the same or other material with which it was formerly graded, paved, sewer, sidewalk, curbed or otherwise improved, briefly describing the work to be done and providing that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such change or modified grade. When a change or modification of grade or grades is proposed to be made upon a street, avenue, alley, lane, court or place, which has already been sewer, paved, curbed or graded, no such change or modification of such grade or grades shall be made unless provision shall also be made for the regrading, repaving, regrading or regrading of such street, avenue, alley, lane, court or place. One or more streets or blocks of streets may be embraced in the same resolution. Such resolution shall be published in the official newspaper. Such publication shall be made for ten days, and shall describe the proposed change or modification of grade, and when such resolution contemplates such work it shall describe the regrading, repaving, sewer, sidewalk, curbing or other improvement so contemplated, and shall set forth and describe the district to be benefited by such change or modification of grade or regrading, repaving, sewer, sidewalk, curbing or other improvement, and to be assessed for the damages and cost of making the same. Within ten days after the first publication of the resolution of intention the Board of Public Works shall cause to be conspicuously posted along all streets within the district defined in the resolution, or, when no such district is defined, along the street or streets upon which such change or modification of grade or grades is contemplated, notice of the passage of said resolution. Said notices shall be posted not more than one hundred feet apart and shall be headed "Notice of Grade Change" or "Notice of Grade Change and Street Work," as the case may be, in letters not less than two inches in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, the fact of the proposed grade change, and, if any, briefly the work or improvement proposed, and refer to the resolution for further particulars. When no improvements are provided for in connection with the said change or changes of grade or grades, if no protest of the owners of two-thirds of the property fronting on the street or streets, the grade or grades of which is to be changed or modified, shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of the resolution of intention hereinbefore mentioned, the Board of Supervisors shall have power to declare such grade or grades to be changed or modified and established, in conformity with said resolution; and when such improvement or improvements are contemplated in connection with such change, or changes of grade or grades, if no protest of the owners of a majority of the superficial area of the property included within the assessment district defined in said resolution of intention shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of said resolution hereinbefore mentioned, the Board of Supervisors shall also have the power to order any of the work contemplated therein to be done, and such street or streets to be regraded, repaved, sewer, sidewalk, curbed or otherwise improved in conformity therewith.

SECTION 2. In case the resolution of intention provides for regrading, repaving, sewer, sidewalk, curbing or otherwise improving said street or streets, to said changed or modified grade, any person owning property fronting upon said portions of the street or streets where such street work is to be done, may file a petition with the Board of Public Works within sixty days after the first publication of said resolution of intention, showing the fact of such ownership, a description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioner or his agent. A failure so to petition shall be deemed and treated as a waiver of any claim for such damage or damages, and said resolution of intention shall so declare.

SECTION 3. Whenever such petition or petitions have been filed, the Board of Public Works shall estimate and assess the benefits, damages and costs of the

proposed work or improvement upon each separate lot of land situated within such assessment district as said lot appears of record upon the last City and County assessment roll.

SECTION 4. The Board of Public Works shall have power to subpoena witnesses to appear before them to be examined under oath, which any member of the Board of Public Works is authorized to administer.

SECTION 5. The Board of Public Works having determined the damages which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvements.

SECTION 6. The Board of Public Works shall make their report in writing, and shall subscribe to and file the same with the Board of Supervisors. In such report they shall describe separately each piece of property which will sustain damage and for which damages have not been waived, stating the name of the owner, if known, and the amount of damages each will sustain over and above all benefits. They shall also describe separately each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of the damages assessed against the same. In describing the lots to be assessed, reference may be had to a diagram of the property in such assessment district, such diagram to be attached to and made a part of the report of the Board of Public Works. If in any case the Board of Public Works shall find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot of land, or any improvement thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in designation of the owner or owners of any land or improvement or particulars of their interest, shall not affect the validity of the assessment.

SECTION 7. On the filing of said report, the Clerk of the Board of Supervisors shall give notice of such filing by the publication of a notice for at least ten days in the official newspaper. Said notice shall require all persons interested to show cause, if any they have, before the Board of Supervisors, on a day to be fixed by the said Board and stated in said notice, which day shall not be less than twenty days from the first publication thereof, why such report should not be confirmed.

SECTION 8. All objections filed in response to said notice to show cause shall be in writing and filed with the Clerk of the Board of Supervisors, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the Board of Supervisors, which shall fix a time not less than fifteen days thereafter for hearing the same, of which time the Clerk shall notify the objectors by notice published in the official newspaper for a period of five days and by depositing a notice, postage prepaid, in the United States postoffice at San Francisco, addressed to each objector at his last known place of residence, at least ten days before the date of such hearing. At the time set, or at such other time to which the hearing may be adjourned, the Board of Supervisors shall hear such objections and pass upon them, and at such time shall proceed to pass upon such report and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given and had, as in the case of the original report.

SECTION 9. After the report of the Board of Public Works as to the damages caused by such change of grade has been finally passed upon by the Board of Supervisors, such Board of Public Works shall prepare detailed plans and specifications subject to the approval of the Board of Supervisors, for regrading, paving, sewerage, sidewalk, curbing or otherwise improving such street or streets as set forth in said resolution of intention and shall then advertise for bids to perform the work of regrading, repaving, sewerage, sidewalk, curbing or otherwise improving such street or streets, as the case may be, with the same or other material with which the same have been formerly graded, paved, sewerage, sidewalk, curbed or otherwise improved; first causing a notice, with such specifications to be posted conspicuously for fifteen days in or near the office of the Board of Public Works, inviting sealed proposals or bids for doing such work, and shall also cause notice of said work, inviting said proposals and referring to the specifications posted and already on file, to be published five days in the official newspaper. All proposals or bids offered shall be accompanied by a check payable to the order of the Clerk of the Board of Supervisors, and certified by a responsible bank for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all the statutory exemptions. Said proposals or bids shall be delivered to the Secretary of the Board of Public Works, and said Board of Public Works shall, in open session, examine and declare the same; *provided, however*, that no proposal or bid shall be received unless accompanied by a check or a bond satisfactory to the Board of Public Works. The Board of Public Works may reject any or all bids and may award the contract to the lowest responsible bidder, or may readvertise for proposals or bids for the performance of the work, as in the first instance, and thereafter proceed in the manner in this section provided; all checks accompanying bids shall be held by the Secretary of the Board of Public Works until the successful bidder has entered into a contract

as herein provided, and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into the said fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore provided for the advertising for proposals for such work. Before being entitled to a contract, the successful bidder must advance to the Secretary of the Board of Public Works, for payment by him, the cost of publication of the notices, resolutions, orders, or the incidental expenses and matters required under the proceedings described by this Chapter.

SECTION 10. After such contract has been awarded and entered into, the Board of Public Works shall proceed to assess the cost and expense of doing such work upon all the lots and land lying within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same according to the benefits it receives from the work. The Board of Public Works in making such assessment shall also include therein the total amount for which each lot, or tract is assessed for the damages resulting from the regrading, repaving, sewerage, sidewalking, curbing or otherwise improving such street or streets; *provided*, no assessment for such damages and cost and the expense of such work shall be levied upon any property which will amount to a sum greater than 50 per centum of the value at which said property was assessed upon the last preceding assessment book of the City and County.

SECTION 11. The Secretary of the Board of Public Works shall forward to the Board of Supervisors a certified copy of the report and assessment as finally adopted by the Board of Public Works, whereupon such report and assessment shall be changed, modified or confirmed by the Board of Supervisors, and upon such modification, change, or confirmation thereof, shall be returned to the Board of Public Works and shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works, the assessment therein contained shall become due and payable and shall be a lien upon all the property contained or described therein.

SECTION 12. The Board of Public Works shall thereupon give notice by publication for ten days in the official newspaper, that it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums are to be made to the Board of Public Works within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent; that thereafter the sum of five per cent upon the amount of said delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works, the Secretary thereof shall write the word "paid" and the date of payment opposite the respective assessments so paid, and the name of the person by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent and the Secretary of the said Board of Public Works shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said Secretary of the Board of Public Works shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent and the whole thereof, including the cost of advertising, which shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed, in the same manner as is or may be provided for the publication of the delinquent list of State and County taxes; and after the date of said delinquency and before the time of such sale therein provided for, no assessments shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the cost of advertising already incurred, shall be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of property affected thereby, shall be published daily for five days in the official newspaper, before the sale of property for such delinquent assessments. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of the Secretary of the Board of Public Works. All property sold shall be subject to redemption for one year and in the same manner as in sales for delinquent State and County taxes; and the Secretary of the Board of Public Works shall, if there be no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold and may collect for each certificate fifty cents, and for each deed one dollar. The deed of the Secretary of the Board of Public Works, made for such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and that all title is in the grantee. The Secretary of the Board of Public Works shall, from time to time, pay over to the City Treasurer all moneys collected by him, or by the Board of Public Works, on account of such assessments, which the City Treasurer shall, upon receipt thereof, place in a separate fund, designating each fund by the name of the street, avenue, square, lane, alley, court or place for the change of grade for which the assessment was made. And the City Treasurer shall transfer to said fund such sum or sums as the Supervisors may have ordered to be paid or advanced

for or on account of such improvement out of that fund in the treasury of the City and County from which such appropriation is made. Payment shall be made from said fund to the parties entitled thereto, upon warrants issued by the Secretary of the Board of Public Works on order of said Board.

SECTION 13. When sufficient money is in the hands of the City Treasurer to pay the total cost for damages, as well as the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the Board of Public Works to notify the owner, possessor or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which may be received at the office of said Board of Public Works. Such notification may be made by depositing a notice, postage paid, in the United States Post Office, at San Francisco, addressed to his last known place of residence. If, after the expiration of three days from the service or deposit of the notice in the Post Office, he shall not have applied for such warrant, the same shall be drawn and deposited with the City Treasurer to be delivered to him upon demand.

SECTION 14. After the contractor to whom has been awarded the contract for regrading, repaving, sewerage, sidewalking, curbing, or otherwise improving such street or streets, has fulfilled his contract to the satisfaction of the Board of Public Works and the City Engineer has certified to the completion of said work, the Secretary of the Board of Public Works, on order of said Board, shall issue a warrant, payable out of said fund, in favor of such contractor in payment for such work.

SECTION 15. In case of a deficiency of the fund to pay the whole assessed cost and damages, the Board of Supervisors may in its discretion, order the balance thereof to be distributed by the Board of Public Works upon the property assessed, by a supplementary assessment, or direct the payment of such balance to be made from the City Treasury; but in the event that a supplementary assessment is ordered, in order to avoid delay, the Board of Supervisors may advance such balance out of any available fund in the Treasury and reimburse the same from the collection of assessments. The Treasurer shall pay such warrants in the order of their presentation.

SECTION 16. The Board of Supervisors may, in its discretion, order, by ordinance, that the whole or any part of the cost and expense of any of the work hereinbefore in this Chapter mentioned or the damages resulting therefrom, be paid out of the Treasury of the City and County from such fund as the Board of Supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the Board of Public Works, in making up the assessment heretofore provided for such cost or expense, shall first deduct from the whole cost and expense such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots and lands in said assessment district, or liable to be assessed for such work, and in the manner hereinbefore provided.

That the title of Chapter III of Article VI of said Charter be changed so as to read as follows:

CHAPTER III.

OPENING, EXTENDING, WIDENING, STRAIGHTENING OR CLOSING UP OF STREETS AND THE CONDEMNATION AND ACQUISITION OF LAND AND PROPERTY NECESSARY THEREFOR AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

That Sections 1 to 19 inclusive of Chapter III of Article VI of said Charter providing for the opening, straightening, widening and extending of streets, be repealed.

That new sections be added to Chapter III of Article VI of the Charter, to be known and designated as Sections 1 to 19 inclusive of Chapter III of said article, and to read as follows:

SECTION 1. Whenever the public interest or convenience may require, the Supervisors shall have full power and authority to order the opening, extending, widening, straightening or closing up, in whole or in part, of any street, avenue, lane, alley, court, or place within the City and County and to condemn and acquire any and all land and property necessary and convenient for that purpose.

SECTION 2. Before ordering any work to be done or improvement made, which is authorized by the preceding section, the Supervisors shall pass a resolution declaring their intention so to do, describing the work or improvement, and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the damages, costs and expenses thereof.

The Supervisors may, in and by said resolution, declare and determine that the whole cost and expense of such work or improvement, or any proportion thereof, shall be paid out of the revenues of the City and County.

SECTION 3. The Clerk of the Supervisors shall transmit to the Board of Public Works a certified copy of such resolution, and upon receipt thereof said Board of Public Works shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said

notice shall be headed "Notice of Public Work" in letters not less than one inch in length, shall be in legible characters, state the fact of the passage of the resolution, its date, and briefly the work of improvement proposed, and refer to the resolution for further particulars. Said Board shall also cause a notice, similar in substance, to be published for a period of ten days in the official newspaper.

SECTION 4. Any person interested objecting to said work or improvement, or to the extent of the district or lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the Supervisors, who shall endorse thereon the date of its reception by him, and at the next meeting of the Supervisors after the expiration of said ten days lay said objection before the Supervisors, who shall fix a time for hearing said objections, not less than one week thereafter. The Clerk of the Supervisors shall notify the persons making such objections by depositing a notice thereof in the Postoffice, postage prepaid, addressed to such objector.

SECTION 5. At the time specified, or to which the hearing may be adjourned, the Supervisors shall hear the objections urged, and pass upon the same, and their decision shall be final and conclusive. If such objections are sustained all proceedings shall be stopped, but proceedings may again be commenced at any time by giving notice of intention to do said work or make said improvement. If such objection is overruled by the Supervisors, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed, during which objections to said work or improvement may be made, if no objections shall have been made, or if objections shall have been made, and the Supervisors, after hearing, shall have overruled the same, the Supervisors shall be deemed to have acquired jurisdiction to order any of the work to be done or improvement to be made which are authorized by Section 1 of this Chapter, and by resolution shall order said work to be done or improvement to be made, as the case may be.

SECTION 6. Upon the passage of said resolution the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works. Upon receipt of the same said Board of Public Works shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any member of said Board in relation thereto. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work or improvement, and, having determined the same, shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by Section 2 hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improvement, so far as said Board can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be. In case, however, the Supervisors shall have declared that the whole of such expense shall be paid out of the revenues of the City and County, then no such assessment shall be made, but the Board of Public Works shall, in such event, report to the Supervisors in detail an estimate of the value of the land to be taken, the damages to improvements and the amount of expenses incident to said work, and if the Supervisors shall approve such estimate they shall order the amount so fixed to be paid to the persons respectively entitled thereto, as in Section 15 hereof provided.

SECTION 7. Said Board of Public Works having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the Supervisors, and shall accompany their report with a plat of the assessment district showing the land taken or to be taken for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot or portion of lot, and its dimensions, so far as can be reasonably ascertained. Each block or lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn, and in all respects. When the report and plat are approved by the Supervisors, a copy of said plat, appropriately designated, shall be filed by the Clerk thereof in the office of the Recorder of the City and County.

SECTION 8. Said report shall specify each lot, subdivision or piece of property taken or injured in the widening or other improvement, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, so far as the same are known to said Board of Public Works, and the particulars of their interest, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

SECTION 9. If in any case the Board of Public Works find that conflicting claims of title exist, or if they shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the

owner or owners of any lot of land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or of the condemnation of the property to be taken.

SECTION 10. Said report and plat shall be filed in the Clerk's office of the Supervisors, and thereupon the Clerk of said Board shall give notice of such filing by publication for at least ten days in the official newspaper. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the Supervisors on or before a day fixed by the Clerk thereof, and stated in said notice, which day shall not be less than thirty days from the first publication thereof.

SECTION 11. All objections shall be in writing, and filed with the Clerk of the Supervisors, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the Supervisors, who shall fix a time for hearing the same, of which the Clerk shall notify the objectors in the same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the Supervisors shall hear such objections and pass upon the same; and at such time, or, if there be, no objections, at the first meeting after the day set in said order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given, and hearing had, as in the case of an original report. If the Supervisors shall have determined that a certain proportion of the cost and expense of such work and improvement shall be paid out of the revenues of the City and County, they shall deduct such proportion from the total amount of the cost and expense thereof as finally fixed and determined in and by said assessment and report, and the amount of such proportion shall be paid out of any revenues appropriated for such purpose to the persons respectively entitled thereto, at the same time and in the same manner as in Section 15 hereof provided, and the balance shall be raised by assessment as hereinafter provided.

SECTION 12. The Clerk of the Supervisors shall forward to the Board of Public Works a certified copy of the report, assessment and plat, as finally confirmed and adopted by the Supervisors, with a statement of any deduction that may be made on account of payments made out of the revenues of the City and County, as in Section 11 provided. Such certified copy shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

SECTION 13. The Board of Public Works shall thereupon give notice by publication in the official newspaper for ten days that it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to said Board within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works it shall cause to be written the word "paid," and the date of payment, opposite the respective assessments so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required, give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent, and said Board of Public Works shall certify such fact at the foot of said assessment roll and shall add five per cent to the amount of each assessment so delinquent.

SECTION 14. The said Board of Public Works shall, within five days after the date of said delinquency, proceed to advertise and collect the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty (50) cents for each lot, piece or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes; and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments shall be published for five days in the official newspaper before the day of sale of such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said Board of Public Works. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent state and county taxes; and the Board of Public Works may collect for each certificate fifty cents and for each deed one dollar. All provisions of the law, in reference to the same and redemption of property, for delinquent state and county taxes in force at any given time, shall also then, so far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certain certificates and execution of deeds. The deed of the Board

of Public Works made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The Board of Public Works shall, from time to time, pay over to the City Treasurer all moneys collected by it on account of any such assessments. The Treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street, avenue, square, lane, alley, court or place for the widening, opening or other improvement of which the assessment was made. Payment shall be made from said fund to the parties entitled thereto, upon warrants signed by the members of the Board of Public Works, or a majority of them.

SECTION 15. When sufficient money is in the hands of the Treasurer, in the fund devoted to the particular work or improvement, to pay for the lands and improvements taken or damaged, and when in the discretion of the Board of Public Works the time shall have come to make payments, it shall be the duty of said Board to notify the owner, possessor or occupant of any land or improvements thereon to whom damages shall have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of said Board upon tendering a conveyance of any property to be taken; such notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of abode or residence. If at the expiration of thirty days after the deposit of such notice he should not have applied for such warrant, and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the Treasurer and shall be delivered to such owner, possessor or occupant upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

SECTION 16. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor as aforesaid, or objects to the report as to the necessity of taking his land, the Board of Public Works shall report such facts to the Supervisors, who shall thereupon cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceedings shall be brought in the name of the City and County, and have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and after judgment has been entered, or preceding an appeal, the court may order the Treasurer to set apart in the Treasury a sufficient sum from the fund appropriated to the particular improvement to answer the judgment and all damages, and thereupon may authorize and order the City and County to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of such judgment and damages, the Supervisors may, in their discretion, order the balance thereof to be paid out of the general fund of the treasury or to be distributed by the Board of Public Works over the property by a supplementary assessment; but in the last-named case, in order to avoid delay, the Supervisors may advance such balance out of any appropriate fund in the Treasury, and reimburse the same from the collections of the assessment. Pending the collection and payment of the amount of the judgment and damages, the court may order such stay of proceedings as may be necessary.

SECTION 17. The Treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation, *provided*, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the Treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

SECTION 18. If after the sale of property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appears desirable, the Board of Public Works may so report to the Supervisors, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure. If by reason of such supplementary assessment, or for any cause, there should be at any time a surplus, the Supervisors may appropriate the same and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said City and County.

SECTION 19. If any title attempted to be acquired by virtue of this Act shall be found to be defective from any cause the Supervisors may again institute proceedings to acquire the same as in this Chapter provided, or otherwise, or may authorize the Board of Public Works to purchase the same and include the cost thereof in a supplementary assessment, as provided in the last section.

That Section 5 of Article I of said Charter be amended to read as follows:

SECTION 5. No recourse shall be had against the City and County for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the City and County for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the City and County for damage to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that notice in writing of the existence of such defect shall have been served upon such person or persons, officer or officers, at least ten days before such damage shall have been sustained; *and provided, further*, that there are at such time funds available for repairing such defect.

That Subdivision 11 of Section 1 of Chapter III of Article VII of said Charter be amended to read as follows:

SUBDIVISION 11. To lease to the highest responsible bidder, for the benefit of the Common School Fund, for a term not exceeding thirty-five years, any real property of the School Department not required for school purposes; but no lease shall be made except after advertisement for bids for at least sixty days in the official newspaper and one other daily newspaper of general circulation, published in the City and County, and by an affirmative vote of at least three members of the Board of Education and approved by an ordinance of the Board of Supervisors, passed by a vote of at least fifteen of its members, and approved by the Mayor; *and provided* that at the expiration of the term of said lease all buildings and improvements erected shall revert to and become the property of the School Department of the City and County.

That Subdivision 3, of Section 1, of Chapter II, of Article II of said Charter be amended to read as follows:

SUBDIVISION 3. To permit the laying down of spur or side tracks and running cars thereon for industrial purposes only, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with the Belt Line of railroads along the water front or other lines of railroad which now or may hereafter enter the City and County, subject to such regulations and conditions as may be prescribed from time to time by said Board of Supervisors; such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Board of Supervisors. All spur or side tracks laid down and in use on the first day of July, 1907, shall be deemed to have been laid down and to be in use by permission of the Board of Supervisors, subject to the provisions of this section.

That Subdivision 14, of Section 1, of Chapter II, of Article II of said Charter be amended to read as follows:

SUBDIVISION 14. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the City and County, for the use of water, heat, light, power or telephonic service, supplied to the City and County, or to the inhabitants thereof, and to prescribe the quality of the service.

That Section 1 of Article XIV of said Charter be amended to read as follows:

SECTION 1. The lands designated upon the Map of the Outside Lands of the City and County, made pursuant to Order No. 800, by the word "Park," extending from Stanyan street to the Pacific Ocean, and known as Golden Gate Park; also the land fronting on Haight street, designated on said map by the word "Park," and known as Buena Vista Park; also the lands designated on said map by the word "Avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map as "Great Highway"; also Mountain Lake Park; also Seal Rocks, as ceded to the City and County of San Francisco by act of Congress; and all the other parks and squares in the City and County, and all the grounds surrounding public buildings in the City and County, and all parks and squares and public pleasure grounds hereafter acquired by the City and County, shall be under the exclusive management of a Board of Commissioners who shall be known and designated as Park Commissioners, except that children's playgrounds and recreation centers outside of Golden Gate Park shall, to the extent of their use as such

playgrounds and recreation centers, be under the exclusive management and control of the Playground Commissioners.

That a new article be added to said Charter, to be known and numbered Article XIV-A, and to read as follows:

ARTICLE XIV-A.

PLAYGROUND COMMISSIONERS.

SECTION 1. All children's playgrounds now owned by the City and County, and all children's playgrounds that shall hereafter be acquired by the City and County, and all public recreation centers, other than those located in Golden Gate Park, shall be under the management and control of a Board of Commissioners, which shall consist of men and women, and shall be known and designated as the Playground Commissioners. No person shall be appointed such Commissioner who shall not be at the time of his or her appointment a resident of the City and County, and who shall not have been such at least five years prior thereto.

SECTION 2. The Commissioners shall be seven in number, five of whom shall be appointed by the Mayor for the term of four years. Three of the members appointed by the Mayor shall be men and two of them shall be women. The President of the Board of Education shall be ex-officio the sixth member of the Commission, and either the President of the Park Commissioners or the Superintendent of Golden Gate Park, as the Park Commissioners in writing may appoint, shall be ex-officio the seventh member. The Park Commissioners may at any time, by resolution served upon the Playground Commissioners, change their ex-officio member of said Commission, *provided* that such ex-officio member be always either their President or said Superintendent. None of said Commissioners shall receive any compensation for his or her services.

SECTION 3. The Commissioners shall organize by electing one of their number President, who shall hold office for one year or until his or her successor is elected, and they may elect a Secretary who is not a member of the Board.

A majority of the members shall constitute a quorum for the transaction of business. The Board shall hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper.

The Board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employés, and shall require adequate bonds from all its officers and employés, except laborers, for the faithful performance of their duties, and in such sums as may be fixed by it, such bonds shall be approved by the Mayor and filed in the office of the Auditor.

SECTION 4. The Commissioners shall adopt rules and regulations for the government of the aforesaid playgrounds not inconsistent with the ordinances of the City and County of San Francisco, the laws of the State of California or with this Charter.

SECTION 5. The Commissioners shall have complete and exclusive control, management and direction of the aforesaid playgrounds and recreation centers, and the exclusive right to erect and to superintend the erection of buildings and structures thereon, and to that end they may employ superintendents, surveyors, engineers, laborers and other employés and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support and equipment of the aforesaid playgrounds and recreation centers, *provided*, that such management of any real or personal property or moneys acquired by loan, gift, devise, or bequest, is not inconsistent with the terms and conditions of the loan, gift, devise or bequest. The Commissioners may purchase in the name of the City and County of San Francisco lands to be used as children's playgrounds and recreation centers, with any moneys legally appropriated for such purpose or acquired by gift, legacy or bequest for such purpose.

SECTION 6. The Board may receive donations from persons and corporations, and legacies and bequests for the purchase, improvement and equipment of playgrounds and recreation centers. All moneys that may be derived from such donations, legacies and bequests shall, unless otherwise provided by the terms of such gift, donation, legacy or bequest, be deposited in the treasury of the City and County to the account of the Playground Fund of the General Fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds and recreation centers. If such moneys shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds or recreation centers the Board may invest all or part of the same in interest-bearing bonds of the United States, of the State of California or of any municipality therein.

SECTION 7. The Chief of Police shall on request of the Commissioners detail such members of the Police Force of the City and County for service in said playgrounds and recreation centers as may be necessary for the enforcement of the law and the city ordinances and the proper observance of the rules and regulations of the Commissioners.

SECTION 8. The Supervisors shall have the power to set apart either absolutely

or for a definite period of time, any land not improved with any public buildings belonging to the City and County other than land under the exclusive control and management of the Park Commissioners, and land acquired by the issue of bonds for other specific purpose, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be under the exclusive control and management of the Playground Commissioners.

SECTION 9. The Park Commissioners shall have power to set apart either absolutely or for a definite period of time such parks and squares or portions thereof as they may see proper, other than Golden Gate Park and the Mission Park, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be, to the extent of that use, under the exclusive control and management of the Playground Commissioners.

SECTION 10. The Supervisors shall, for the purchase, development, equipment and maintenance of the aforesaid playgrounds and recreation centers, annually appropriate to the Playground Commissioners at the time of making the Budget such amount as may in their judgment be necessary or proper, and the funds so appropriated shall be credited to the Playground Fund of the General Fund, and the Playground Commissioners shall have the exclusive management and disbursement of the same.

The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the Commissioners. The votes of all its members shall be recorded in the minutes with the ayes and noes.

That Section 1 of Article X of said Charter be amended to read as follows:

SECTION 1. There shall be a Department of Public Health under the management of a Board of Health. The board shall consist of seven members, all of whom shall be appointed by the Mayor, and three only of whom shall be physicians. Said physicians shall be regularly certificated physicians of the City and County at the time of their appointment, and must have been such for at least five years next preceding their appointment. The members of the board shall serve without compensation. They shall elect one of their members president, and shall adopt such rules and regulations as may be necessary for the government of the board.

That Section 2 of Article X thereof be amended to read as follows:

SECTION 2. The appointed members of the board, excepting those first appointed, shall hold office for seven years. Those first appointed under this Charter shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years; one at the end of four years; one at the end of five years; one at the end of six years; and one at the end of seven years.

Within 30 days after the ratification of this amendment by the Legislature of the State of California, the offices of the then incumbent members of the Board of Health shall become vacant, and the Mayor shall thereupon proceed to appoint a Board of Health pursuant to the provisions of the preceding section.

That Sections 2 and 3 of Chapter IX of Article IX of said Charter be amended to read as follows:

SECTION 2. There shall be appointed by the Board of Fire Commissioners and Board of Police Commissioners, acting in joint session, a practical and skilled Electrician, and who shall have general supervision of the Department of Electricity. He shall receive a salary of \$3000 per annum.

SECTION 3. The Joint Commission may appoint such assistants and other employes as may be necessary to efficiently maintain, extend and repair the Department of Electricity at all times. All appointments shall be made subject to the provisions of Article XIII hereof. The number and compensation of all such assistants and other employes of the Department of Electricity shall be fixed annually by the Supervisors, but no compensation to any of such persons shall be greater than is paid in similar employments. Any person who, under a classification of positions by the Civil Service Commission, has been appointed in conformity with Article XIII of this Charter and who has served the probation period required by said Article is hereby declared appointed within the provisions of the Article XIII to said position so classified.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } ss

This is to certify that we, Edward R. Taylor, Mayor of the City and County of San Francisco, and John E. Behan, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals submitting the same to the electors of said City and County at a General Municipal Election held on Tuesday, the Fifth day of November One Thousand Nine Hundred and Seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City and County of San Francisco, this 20th day of November One Thousand Nine Hundred and Seven.

EDWARD R. TAYLOR

Mayor of the City and County of San Francisco.

[SEAL.]

JOHN E. BEHAN

Clerk of the Board of Supervisors of
the City and County of San Francisco.

Now, therefore be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County and as hereinbefore fully set forth, be and the same are, and each of them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

Concurrent resolution read.

The question being on the adoption of the Senate Concurrent Resolution.

The roll was called, and Senate Concurrent Resolution No. 1 was adopted by the following vote:

AYES—Senators Anderson, Anthony, Bates, Bell, Belshaw, Black, Broughton, Caminetti, Carter, Curtin, Greenwell, Hartman, Keane, Kennedy, Leavitt, Lukens, Lynch, Markey, McKee, Nelson, Price, Rambo, Reily, Rolley, Rush, Sanford, Savage, Walker, Weed, Welch, Willis, Wolfe, and Wright—33.

NOES—None.

Senate Concurrent Resolution No. 1 ordered transmitted to the Assembly.

RECESS.

At one o'clock and thirty minutes P. M., on motion of Senator Leavitt, the President declared the Senate at recess until one o'clock and forty-five minutes P. M., of this day.

RECONVENED.

At one o'clock and forty-five minutes P. M., the Senate reconvened.

Lieutenant-Governor Warren R. Porter, President of the Senate, in the chair.

APPOINTMENT BY SERGEANT-AT-ARMS OF THE SENATE.

To the Officers and Members of the Senate of the State of California:

I have the honor to inform you that I have appointed H. P. Travers, Bookkeeper to the Sergeant-at-Arms, and respectfully ask the consent of the Senate thereto.

J. LOUIS MARTIN,
Sergeant-at-Arms.

On motion of Senator Rush, the Senate consented to the above appointment by the Sergeant-at-Arms.

INTRODUCTION OF CONCURRENT RESOLUTION.

The following concurrent resolution was offered:

By Senator Wolfe:

SENATE CONCURRENT RESOLUTION No. 2.

Resolved by the Senate, the Assembly concurring, That the two houses of the Legislature adjourn *sine die* at the hour of two o'clock and thirty minutes, on Saturday, November 23, 1907.

Concurrent resolution read, adopted, and ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

On motion of Senator Leavitt, the following messages from the Assembly were received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted and concurred in Senate Concurrent Resolution No. 1—Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

Senate Concurrent Resolution No. 1 ordered to enrollment.
Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly on this day adopted Assembly Concurrent Resolution No. 1—Relative to adjournment *sine die*.

CLIO LLOYD, Chief Clerk of the Assembly.
By THOS. G. WALKER, Assistant Clerk.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION.

On motion of Senator Wolfe, Assembly Concurrent Resolution No. 1 was taken up for immediate consideration.

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Resolved by the Assembly, the Senate concurring, That the two houses of the Legislature adjourn *sine die* at 2:30 o'clock P. M. on Saturday, November 23, 1907.

Assembly Concurrent Resolution No. 1 read, adopted, and transmitted to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Engrossment and Enrollment have examined the following:

Senate Concurrent Resolution No. 1—Approving sixteen certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

And report that the same has been correctly enrolled, and presented the same to the Governor on this twenty-third day of November, 1907, at two o'clock and twenty minutes P. M.

REILY, Chairman.

RESOLUTION.

The following resolution was offered:
By Senator Keane:

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn, and ask if he has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Keane, Hartman, and Curtin a committee to notify the Gov-

ernor that the Senate, Thirty-seventh (second extra) Session, is about to adjourn *sine die*, and awaits his pleasure for further communication, if any he have, before so adjourning.

RESOLUTION.

The following resolution was offered:

By Senator Reily:

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn, and ask if the Assembly has any further communication to transmit to the Senate.

Resolution read and adopted.

APPOINTMENT OF COMMITTEE.

In accordance with the above resolution, the President appointed Senators Reily, Anthony, and Caminetti a committee to notify the Assembly of the readiness of the Senate to adjourn *sine die*.

REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

The following report of standing committee was received and read:

ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate resolution by Senator Lukens:

Be it resolved, That a committee of three (3) Senators in the Legislature of California at its Thirty-seventh (37th) Session (convened by the proclamation of the Governor, dated 23d day of November, A. D. 1907, declaring an extraordinary occasion for a legislative session exists), be appointed by the President of the Senate to investigate and report at the Regular Session of the Legislature which shall commence on the first Monday after the first day of January, A. D. 1909, upon the subject of the compensation of the members and all persons connected with the legislative department in representative governments.

Have had the same under consideration, and respectfully report the same back without recommendation.

BLACK, Chairman.

Report and resolution read, and resolution refused adoption.

REPORT OF ASSEMBLY COMMITTEE.

An Assembly committee, Mr. Thompson of Los Angeles, chairman, appeared at the bar of the Senate and announced that the Assembly had no further communications to transmit to the Senate, and was now prepared for final adjournment.

REPORT OF SPECIAL COMMITTEE.

Senator Keane, as chairman of the committee appointed to wait upon the Governor to inform him of the Senate's readiness to adjourn, reported that the Governor informed the committee that he had no further message to transmit.

REPORT OF SPECIAL COMMITTEE.

Senators Reily, Anthony, and Caminetti, the special committee appointed to notify the Assembly that the Senate was ready to adjourn *sine die*, reported that they had performed the duties assigned them.

APPROVAL OF MINUTES.

The minutes of Saturday, November 23, 1907, were read and approved.

FINAL ADJOURNMENT.

Whereupon, at two o'clock and thirty minutes P. M., in accordance with the provisions of Assembly Concurrent Resolution No. 1, the President declared the Senate adjourned *sine die*.

WARREN R. PORTER,
President of the Senate.

EDWARD I. WOLFE,
President pro tem. of the Senate.

LEWIS A. HILBORN,
Secretary of the Senate.

G. RAY HORTON,
Minute Clerk of the Senate.

C. S. MILNES,
Journal Clerk of the Senate.

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FIRST EXTRA SESSION.

SENATE BILLS.

- 1—An Act to amend Section 10 of the Political Code, relating to holidays.
In Senate: Nov. 19—Introduced by Senator Curtin, 7; read first time, and referred to Committee on Judiciary, 7; from committee, submitting substitute, with recommendation that substitute do pass, 29; re-referred to Committee on Judiciary, 31; withdrawn by author, 46.
- 2—An Act to amend Section 7 of the Civil Code, relating to holidays.
In Senate: Nov. 19—Introduced by Senator Curtin, 7; read first time, and referred to Committee on Judiciary, 7; from committee, submitting substitute, with recommendation substitute do pass, 29; minority report, 29; re-referred to Committee on Judiciary, 31; withdrawn, 46.
- 3—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.
In Senate: Nov. 19—Introduced by Senator Curtin, 7; read first time, and referred to Committee on Judiciary, 7; from committee, submitting substitute, with recommendation that substitute do pass, 29; minority report, 29; re-referred to Committee on Judiciary, 31; withdrawn, 46.
- 4—An Act to amend Section 7 of the Civil Code, relating to holidays.
In Senate: Nov. 19—Introduced by Senator Price, 8; read first time, and referred to Committee on Judiciary, 8; from committee, submitting substitute, with recommendation that substitute do pass, 29; minority report, 29; re-referred to Committee on Judiciary, 31; read second time, and substitute adopted, 37; reported correctly engrossed, 39; made case of urgency, 41; read third time, amended, 41; passed, and to Assembly, 45.
In Assembly: Nov. 22—Made case of urgency, passed, and to Senate, 54.
In Senate: Nov. 22—To enrollment, 48; reported correctly enrolled, and to Governor, 54; approved, 55.
- 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.
In Senate: Nov. 19—Introduced by Senator Belshaw, 8; read first time, and referred to Committee on Finance, 8; from committee, with recommendation do pass, 19; made special order, 19; made case of urgency, passed, and to Assembly, 23.
In Assembly: Nov. 21—Read first time, and referred to Committee on Ways and Means, 35; considered in Committee of the Whole, 43; made case of urgency, 42; passed, 44, and to Senate, 46.
In Senate: Nov. 22—To enrollment, 35; to Governor, 49; approved, 54.
- 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.
In Senate: Nov. 19—Introduced by Senator Belshaw, 8; read first time, and referred to Committee on Finance, 8; from committee, with recommendation do pass, 19; made special order, 19; made case of urgency, passed, and to Assembly, 24.
In Assembly: Nov. 21—Read first time, and referred to Committee on Ways and Means, 35; from committee, with recommendation do pass, 36; considered in Committee of the Whole, 43; made case of urgency, 36; passed, and to Senate, 44.
In Senate: Nov. 22—To enrollment, 35; to Governor, 49; approved, 54.

- 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.
In Senate: Nov. 19—Introduced by Senator Welch, 8; read first time, and referred to Committee on Commerce and Navigation, 8; from committee, with recommendation do pass, 19; made special order, 19; made case of urgency, passed, and to Assembly, 24.
In Assembly: Nov. 21—Read first time and referred to Committee on Ways and Means, 35; from committee, with recommendation do pass, 36; considered in Committee of the Whole, 43; made case of urgency, 36; amended, 46; passed, and to Senate, 51, 57.
In Senate: Nov. 22—Assembly amendments concurred in, 45; to enrollment, 45; to Governor, 54; approved, 55.
- 8—An Act to amend Section 10 of the Political Code, relating to holidays.
In Senate: Nov. 19—Introduced by Senator Wright, 8; read first time, and referred to Committee on Judiciary, 8; from committee, submitting substitute, with recommendation do pass, 29; minority report, 29; re-referred to Committee on Judiciary, 31; from committee, submitting substitute, with recommendation do pass, 37; substitute adopted, 38; reported correctly engrossed, 39; made case of urgency, 41; read third time and amended, 42; reported correctly reengrossed, 45; passed, and to Assembly, 46.
In Assembly: Nov. 22—Made case of urgency, passed, and to Senate, 54.
In Senate: Nov. 22—To enrollment, 48; to Governor, 54; approved, 55.
- 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.
In Senate: Nov. 19—Introduced by Senator Rolley, 8; read first time, and referred to Committee on Judiciary, 8; from committee, submitting substitute, with recommendation do pass, 29; minority report, 29; re-referred to Committee on Judiciary, 31; from committee, submitting substitute, with recommendation do pass, 37; read second time, substitute adopted, 39; reported correctly engrossed, 39; made case of urgency, 41; read third time, and amended, 42; reported correctly reengrossed, 45; passed, and to Assembly, 46.
In Assembly: Nov. 22—Made case of urgency, passed, and to Senate, 54.
In Senate: Nov. 22—To enrollment, 48; to Governor, 54; approved, 54.
- 10—An Act to amend Section 134 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.
In Senate: Nov. 19—Introduced by Senator McCartney, 8; read first time, and referred to Committee on Judiciary, 8; from committee, submitting substitute, with recommendation do pass, 29; minority report, 29; re-referred to Committee on Judiciary, 31; from committee, with recommendation substitute do pass, 37; substitute read second time and adopted, 39; reported correctly engrossed, 39; made case of urgency, 41; read third time, amended, 42; reported correctly re-engrossed, 45; passed, and to Assembly, 46.
In Assembly: Nov. 22—Made case of urgency, passed, and to Senate, 55.
In Senate: Nov. 22—To enrollment, 49; to Governor, 54; approved, 54.
- 11—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.
In Senate: Nov. 19—Introduced by Senator Lukens, 8; read first time, and referred to Committee on Judiciary, 8; from committee, with recommendation substitute be adopted, 19; read second time, 20; substitute adopted, 20; made special order, 20; reported correctly engrossed, 27; motion to refer, 28; read third time, passed, and to Assembly, 28.
In Assembly: Nov. 21—Read first time and referred to Committee on Judiciary, 35; from committee, with recommendation do pass as amended, 40; read second time, 40; amended, 40; made case of urgency, passed, and to Senate, 49; reference to amendments, 53, 55, 56, 57.
In Senate: Nov. 22—Assembly Amendments Nos. 1, 2, 3, 4, 6, 7, 8 concurred in, 40;

refused to concur in Amendment No. 5, 40; conference committee appointed, 47; who report disagreement, 47; free conference committee appointed, 48; who report amendment, 48; amendment adopted, 48; reported correctly enrolled and to Governor, 54; approved, 55.

- 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and the State Treasurer to make such transfer.

In Senate: Nov. 20—Introduced by Senator Belshaw, 18; read first time, and referred to Committee on Finance, 18; made special order, 18; from committee, with recommendation do pass, 21; made case of urgency, passed, and to Assembly, 24.

In Assembly: Nov. 21—Read first time, and referred to Committee on Ways and Means, 35; from committee, with recommendation do pass, 37; considered in Committee of the Whole, 43; made case of urgency, passed, and to Senate, 45.

In Senate: Nov. 22—To enrollment, 35; to Governor, 49; approved, 54.

SENATE JOINT RESOLUTIONS.

- 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

In Senate: Nov. 19—Introduced by Senator Carter, 8; referred to Committee on Judiciary, 9; from committee, with recommendation be adopted, 20; adopted, 21; to Assembly, 21.

In Assembly: Nov. 22—Made special order, 42; refused adoption, 50.

- 2—Relative to providing for more elasticity in our currency system.

In Senate: Nov. 21—Introduced by Senator Sanford, 27; referred to Committee on Federal Relations, 27.

- 3—Relative to banks and banking, and recommending the protection of depositors in approved banks under certain conditions by the Government of the United States.

In Senate: Nov. 22—Introduced by Senator Cartwright, 33; referred to Committee on Federal Relations, 33.

SENATE CONCURRENT RESOLUTIONS.

- 1—Relative to approving four certain amendments to the charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco at a general municipal election held therein on the fifth day of November, 1907.

In Senate: Nov. 19—Introduced by Senator Wolfe, 7; referred to Committee on Municipal Corporations, 7; from committee, recommending adoption, 10; adopted, and to Assembly, 17.

In Assembly: Nov. 20—Referred to San Francisco Delegation, 21; who recommend be adopted, 23; adopted, and to Senate, 30.

In Senate: Nov. 21—To enrollment, 28; to Governor, 34.

- 2—Relative to the appointment of a committee of three Senators and three members of the Assembly for the purpose of investigating into the business methods employed generally by the banks and banking houses of the State of California, with a view to amending the present banking and trust laws so as to afford better protection to the depositor and to the business world.

In Senate: Nov. 20—Introduced by Senator Leavitt, 18; made special order, 18; motion to refer to Committee on Judiciary, 22; amended, 22; referred to Committee on Banking, 23; who submit substitute, 30; special order for Nov. 22, 32; substitute adopted, 34; to Assembly, 34.

In Assembly: Nov. 22—Adopted, and to Senate, 52.

In Senate: Nov. 22—To enrollment, 47; reported correctly enrolled, and to Governor, 54; appointment of committee, 56.

- 3—Relative to the appointment of a committee of one Senator and one member of the Assembly for the purpose of making such investigation into the business methods of the corporations engaged in the banking business in the State of California, etc., and to report findings to the Governor and the next session of the Legislature, and to make recommendations, etc.

In Senate: Nov. 21—Introduced by Senator Anderson, 27; referred to Committee on Banking, 27; from committee, with amendments, without recommendation, 31; withdrawn, 35.

- 4—Relating to printing five thousand copies of the laws and amendments to the codes passed at this extra session of the Legislature.

In Senate: Nov. 21—Introduced by Senator Lukens, 29; referred to Committee on Contingent Expenses, 29; from committee, with recommendation be adopted, 32; adopted, 32.

In Assembly: Nov. 22—Adopted and to Senate, 38.

In Senate: Nov. 22—To enrollment, 35; to Governor, 49.

SECOND EXTRA SESSION.

SENATE CONCURRENT RESOLUTIONS.

- 1—Relative to the ratification of sixteen amendments to the San Francisco Charter.

In Senate: Nov. 23—Introduced by Senator Wolfe, 63; referred to Committee on Municipal Corporations, 63; from committee, 63; read and adopted, and to Assembly, 81.

In Assembly: Nov. 23—Referred to committee on San Francisco Delegation, 67; from committee, 68; adopted, and to Senate, 85.

In Senate: Nov. 23—To enrollment and to Governor, 82.

- 2—Relative to adjournment *sine die*.

In Senate: Nov. 23—Introduced by Senator Wolfe, 81; adopted and to Assembly, 81.

THE
JOURNAL OF THE ASSEMBLY

DURING THE

EXTRA SESSION

OF THE

THIRTY-SEVENTH LEGISLATURE OF THE STATE OF CALIFORNIA,

1907.

Began on Tuesday, November Nineteenth, and Ended on Saturday,
November Twenty-third, Nineteen Hundred and Seven.



SACRAMENTO
W. W. SHANNON, : : : : SUPERINTENDENT STATE PRINTING
1907.

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CALIFORNIA LEGISLATURE—ASSEMBLY.

THIRTY-SEVENTH (EXTRA) SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Tuesday, November 19, 1907.

The Assembly met at ten o'clock A. M., in pursuance to the proclamation of His Excellency, James N. Gillett, Governor of the State of California, dated the fifteenth day of November, 1907.

Hon. Robert L. Beardslee, Assemblyman from the Twenty-third District, and Speaker of the Assembly, in the chair.

ANNOUNCEMENT.

Hon. Clio Lloyd, Chief Clerk, announced that, in pursuance to the requirements of the Political Code, Section 237, the following officers of the Assembly of the thirty-seventh (regular) session of the Legislature were present and in their respective positions: Clio Lloyd, Chief Clerk; C. S. MacMullan, Minute Clerk; and John T. Stafford, Sergeant-at-Arms.

The Speaker thereupon directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, and the following members of the Assembly answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—78.

The Speaker declared a quorum present.

PRAYER.

By invitation of the Speaker, the opening prayer was offered by the Rev. W. F. Reagor, of Sacramento, California.

The Speaker directed the Chief Clerk to read the Governor's proclamation.

The following was read:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA,
EXECUTIVE DEPARTMENT. }

WHEREAS, An extraordinary occasion having arisen, and now existing, requiring the Legislature of the State of California to convene;

NOW, THEREFORE, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by section nine, article five, of the Constitution of the State of California, do hereby convene the Legislature to meet and assemble in extraordinary session at Sacramento, California, on Tuesday, the nineteenth day of November, Anno Domini one thousand nine hundred and seven, at ten o'clock A. M. of that day, for the purpose of enacting laws and taking legislative action upon the following subjects, to wit:

1st. An Act to add a new section to the Political Code of the State of California relating to the postponing of the collection of payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures, or fines for non-payment of the same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith in the event of general financial stringency.

2d. To amend section ten of the Political Code, sections ten, one hundred and thirty-four, and one hundred and thirty-five of the Code of Civil Procedure, and section seven of the Civil Code, in reference to legal holidays, by providing for special holidays which may, by proclamation, be called by the Governor, and declaring what judicial acts may be performed by the courts during the continuance thereof.

3d. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Sections 10 and 12 of Article XII and Section 29 of Article XVI of said Charter, relating to bond issues, et cetera.

4th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Section 2 of Chapter III of Article IV, relating to the custody by the treasurer of public funds, and authorizing their deposits in certain banks upon certain terms and conditions.

5th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors thereof, at a general election held in said city on Tuesday, November fifth, nineteen hundred and seven, amending Chapters 7, 8, 4, and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof.

6th. To approve a proposed amendment to the Charter of the City and County of San Francisco, State of California, ratified by a majority of the qualified electors of said city, at a general election held therein on Tuesday, November fifth, nineteen hundred and seven, amending Section 1 of Chapter V of Article VIII and Section 1 of Chapter VI of Article VIII, relative to salaries of members of the Police Department.

7th. To provide for expenses incurred by the Adjutant-General during the months of May, June, and July, nineteen hundred and seven, arising and growing out of the labor troubles and strikes in the City of San Francisco, and to pay members of the National Guard for services rendered at that time.

8th. To remove Andrew M. Wilson from the office of Railroad Commissioner, on the ground of corruption and incompetency on the part of the said Wilson.

9th. To amend section five of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco: to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

10th. To appropriate money for the contingent expenses of the Governor's office.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereto the Great Seal of the State of California, at my office in the State Capitol, at Sacramento, this fifteenth day of November, in the year of our Lord the one thousand nine hundred and seventh, and of the admission of the State of California the fifty-seventh.

[SEAL.]

J. N. GILLETT,
Governor of the State of California.

ATTEST:

C. F. CURRY,
Secretary of State.

RESOLUTION.

The following resolution was offered:

By Mr. John:

Resolved, That the following persons be and they are hereby elected as officers of the Assembly, with per diem as fixed by statute:

Hon. Robert L. Beardslee, Speaker.
Hon. J. P. Transue, Speaker pro tem.
Cliff Lloyd, Chief Clerk.
T. G. Walker, Assistant Clerk.
W. H. Wright, Assistant Clerk.
H. E. Miller, Assistant Clerk.
H. A. Harper, Minute Clerk.
John T. Stafford, Sergeant-at-Arms.
R. L. Dempsey, Journal Clerk.
R. J. Kenefick, Enrolling and Engrossing Clerk.
P. H. Willis, Chaplain.

Also:

Ralph A. Sollars, Stenographer,
Mark Senna, Messenger to Printer.
William Sitton, Messenger to Printer.
Robina Alexander, Assistant Enrolling and Engrossing Clerk.
C. W. Haub, Bookkeeper to Sergeant-at-Arms.
F. Hilderbrand, Watchman.
W. Greenlaw, Porter.
J. McNiff, Watchman.
W. J. Gribbin, Porter.
G. Hilbert, Watchman.
H. Smith, Porter.
F. C. Trainor, Watchman.
A. J. Cottle, Watchman.
P. Stortz, Porter.
O. J. Pierce, Watchman.
J. Brightman, Watchman.
H. Dunn, Messenger.
Geo. Avery, Watchman.
R. Herndon, Watchman.
C. Schenk, Porter.
J. Hauser, Porter.
J. Kofod, Porter.
J. T. Kelley, Porter.
H. E. Wenke, Porter.
D. Delano, Porter.
M. Coffield, Postmistress.
B. Haggerty, Page.
L. Williams, Page.
D. Sprague, Page.
Ed. Fitzgerald, Page.
J. Hanna, Page.
F. Branch, Page.

Also: The following named persons are hereby employed in the position and at the per diem set opposite their names respectively:

F. L. Bradshaw, Mail Carrier, at \$3 per diem.
Ed. Hammond, Hat Room Attendant, at \$3 per diem.
F. Madeley, Hat Room Attendant, at \$3 per diem.

And be it further resolved, That the State Controller be and he is hereby directed to draw his warrants in favor of the above named persons, and the State Treasurer is hereby directed to pay such warrants for, and at the fixed per diem.

Resolved, That all officers, attachés, and employés, whose names do not appear on the above report or in the foregoing resolution, are hereby dismissed and their names stricken from the payroll.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKee, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

NOES—None.

Whereupon the Speaker declared the above named duly elected officers of the Assembly for the Thirty-seventh (extra) session of the Legislature.

OATH OF OFFICE.

The afore-named officers (elect) of the Assembly, excepting the Chaplain, presented themselves at the bar of the Assembly and each took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected, according to the best of my ability.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Stanton:

Resolved, That the Chief Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency, the Governor, dated Friday, November 15, 1907, and ready for the transaction of legislative business, with the following officers, to wit:

Speaker—R. L. Beardslee.

Speaker pro tem.—J. P. Transue.

Chief Clerk—Clio Lloyd.

Sergeant-at-Arms—John T. Stafford.

Assistant Clerks—T. G. Walker, W. H. Wright, H. E. Miller.

Journal Clerk—R. L. Dempsey.

Minute Clerk—H. A. Harper.

Chaplain—P. H. Willis.

Resolution read, and on motion adopted.

By Mr. Fisher:

Resolved, That a select committee of three be appointed by the Speaker to act with a like committee from the Senate, to wait upon the Governor and inform him that the two houses of the Legislature are in session, and in readiness to receive any communication which he may have to make.

Resolution read, and on motion adopted.

STANDING RULES OF ASSEMBLY.

1. *Hour of meeting.*

The sessions of the House shall be daily (Sundays excepted), beginning at nine o'clock and thirty minutes A. M. Until February 6, 1907, adjournment shall be taken at twelve o'clock and thirty minutes P. M., and after said date a recess shall be taken at said hour to two o'clock P. M., unless otherwise ordered by a vote of the House.

2. *Order of business.*

1. Roll Call.
2. Prayer by the Chaplain.
3. Reading and Approval of the Journal.
4. Presentation of Petitions.
5. Reports of Standing Committees.
6. Reports of Select Committees.
7. Messages from the Governor.
8. Messages from the Senate.
9. Introduction and Reference of Bills.
10. Motions and Resolutions.
11. Special Orders of the Day.
12. Unfinished Business of the Preceding Day.
13. Business on Special File.
14. Business on General File and Third Reading of Bills.

3. *Reports of Committee on Engrossed and Enrolled Bills.*

It shall be in order for the Committee on Engrossed and Enrolled Bills to report at any time.

4. *Messages from the Governor and Senate.*

Messages from the Governor and from the Senate may be considered at any time by a vote of the House.

5. *Petitions to be presented, with a brief statement of contents.*

Petitions, memorials and other papers addressed to the House, shall be presented by the Speaker, or by a member in his place. A brief statement of the contents thereof shall be made verbally by the introducer. They shall not be debated on the day of their being presented, but shall lie on the table, or be referred, as the House shall determine.

6. *Introduction and reading of bills.*

Any member desiring to introduce a bill shall rise in his place and address the Speaker, and, upon being recognized, shall present the same. It shall then be numbered and read the first time at the Clerk's desk and referred to a standing committee, and be printed, and a copy placed upon the desk of each member. Every bill shall be read at length on three several days previous to its passage, unless in case of urgency two thirds of the House shall, by vote of ayes and noes, dispense with this provision. The Speaker shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the House has so determined by a vote. All bills to appropriate money for contingent purposes shall be presented by the Committee on Ways and Means. The chairman or clerk of each committee of the Assembly shall notify the author of any bill or proceeding pending before such committee of the hour and place of hearing or acting upon such bill or proceeding.

7. *Introduction of bills by committee.*

Any committee may introduce a bill appertaining to any subject coming within its consideration, whereupon it shall be read the first time and placed upon the proper second-reading file. When such a bill is designed to be a substitute for one or more Assembly bills, the bills for which it is such a substitute shall, by a majority vote of the House, be deemed withdrawn, and shall not appear upon the file. Upon the introduction of a bill by a committee, it shall be numbered as a new bill, ordered printed, and placed upon the Assembly file for further action.

8. *Disposition of Senate bills.*

When a Senate bill has been received by the House, with a message announcing that the same has passed the Senate, such bill shall be referred to a standing committee; *provided, however*, that when a Senate bill is received, the provisions of which are identical with those of an Assembly bill which has already been considered and reported by a committee of the House, such Senate bill shall be substituted for the Assembly bill (the latter being considered withdrawn), shall take the same place upon the Assembly file, and be considered as having received the same recommendation of the Assembly committee; *provided*, that the fact that the bills are identical shall be entered in the Journal.

9. *Joint resolutions and constitutional amendments.*

Joint resolutions shall be treated the same as bills; *provided*, that they shall be read but once, and that after they have been reported by a committee; *and provided further*, that the ayes and noes shall not be called upon their adoption, unless regularly demanded. Proposed amendments to the Constitution shall be treated the same as bills; *provided*, they shall be read but once, and only after they shall have been reported by a committee.

10. *Proceedings touching appropriations of money to be considered in Committee of the Whole.*

All bills making appropriations of money shall be considered in a Committee of the Whole House while on second reading, and no addition to any appropriation shall be made out of Committee of the Whole.

11. *Reference of bills.*

No debate shall be allowed on any motion to refer a bill or resolution to a committee. The Speaker shall first indicate to what committee a bill or resolution ought to be referred, and it shall be so referred, unless upon a motion, without debate, the House by a majority vote refer it to some other committee.

12. *Referring with special instructions.*

A bill or resolution may be committed with special instructions at any time after the third reading has been ordered.

13. *Order of making file.*

Upon the introduction of bills they shall be read the first time, and referred to committees as provided in Rule 6. When reported back they shall be placed upon the general file, to be kept by the Clerk, as follows: All bills when reported to the House by the committee shall be placed at the foot of the second-reading file, in the order in which the reports are made, and after the second reading they shall be placed at the foot of the third-reading file, in the order of reading; and precedence shall be given in the consideration of bills in the following order: third-reading file and second-reading file, unless otherwise ordered by a two-thirds vote of the House. The Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the general file, setting forth the order in which they were filed, and specifying the alterations arising from the disposal of business each day.

14. Order of making special file.

The Clerk shall, from time to time, make up a file, to be known as the special file, on which he shall place bills relating to appropriations for the support of the State government and State institutions, revenue, election laws, and constitutional amendments, in the order named and in the order in which the same may be reported to the Assembly, and he shall place no other bills thereon, nor shall any bill on the general file be substituted for any bill thereon.

15. Taking up bills out of order.

When a member shall ask leave to have a bill taken up out of its regular order, he shall, in making the motion, give the number and title of the bill, and its position on the file.

16. Engrossing and enrolling bills.

The Engrossing and Enrolling Clerk shall engross, and enroll, the bills which shall come to his hands for such purposes, in compliance with the provisions of Section 539 of the Political Code, and in the order of time in which the same shall be acted upon by the House. Said Clerk shall be responsible for every violation of this rule by his assistants or deputies; no clerk of this House, or his deputy or assistant, shall demand or receive from any person any compensation other than that provided by law for any services performed by him in regard to the bills or preparation of bills before this House.

17. Bills to be reported back within ten days.

All bills referred to any committee shall be by such committee reported back to the House, with its action thereon, within ten days after such reference, unless the House, by request of such committee, shall otherwise order.

DUTIES OF SPEAKER.

18. To call House to order.

The Speaker, or, in his absence, the Speaker pro tem., shall take the chair precisely at the hour appointed for meeting, and shall immediately call the House to order. In the absence of both the Speaker and the Speaker pro tem., the Chief Clerk, or an assistant, shall call the House to order, whereupon a chairman shall be elected from among the members to preside.

19. To preserve order; to decide points of order; and may speak to same.

He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any member, on which appeal no member shall speak more than once, unless by leave of the House.

20. To have direction of the hall; may call any member to the chair.

He shall have general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

21. To sign resolutions, etc., attested by the Clerk.

All acts, addresses, and joint resolutions shall be signed by the Speaker, and all writs, warrants, and subpoenas issued by order of the House shall be under his hand, attested by the Clerk.

22. May order the galleries and lobby cleared.

In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or Chairman of the Committee of the Whole House) shall have power to order the same to be cleared.

DUTIES OF THE SERGEANT-AT-ARMS.

23. To attend sittings of House; serve processes.

The Sergeant-at-Arms shall attend the House during its sittings, to execute the commands of the Speaker of the House, and all process issued by authority thereof directed to him by the Speaker. He shall be sworn to keep the secrets of the House. He shall also have supervision of all the attachés of the House (except the clerks at the desk, the committee attachés, and the page to the Speaker, which page shall be under the exclusive supervision of the Speaker), and shall be responsible for the performance of their duties, and shall have power to suspend any attaché under him for dereliction of duty, and shall report to the Speaker such suspension and the causes thereof; said attaché shall not receive any pay during the time of such suspension. The Speaker shall have the power to relieve the attaché of his suspension, and shall have the power to remove any attaché for incompetency or for willful neglect of duty.

24. Fees of Sergeant-at-Arms.

The Sergeant-at-Arms shall receive for every arrest the sum of one dollar; for each day's custody and releasement, one dollar; and for traveling expenses for himself, or a special messenger, going and coming, ten cents per mile; but no compensation shall be allowed for the arrest, custody, or releasement of members under a call of the House, within the limits of the Capitol grounds. All fees accruing to the Sergeant-at-Arms for

arrest, custody, and release of members, shall be paid by the members so arrested, held in custody, and released, unless excused by a vote of the House. And when a member shall be excused by the House, the Sergeant-at-Arms shall not be allowed any fees for the arrest.

25. *Assistant Sergeant-at-Arms to be Doorkeeper.*

The Assistant Sergeant-at-Arms shall be the Doorkeeper, and shall be sworn to keep the secrets of the House.

26. *Standing committees.*

The Standing Committees of the House shall be as follows:

1. A Committee on Agriculture, to consist of seven members.
2. A Committee on Attachés and Employés, to consist of seven members.
3. A Committee on Banks and Banking, to consist of five members.
4. A Committee on Building and Loan Associations, to consist of seven members.
5. A Committee on Claims, to consist of seven members.
6. A Committee on Commerce and Navigation, to consist of nine members.
7. A Committee on Commissions and Public Expenditures, to consist of seven members.
8. A Committee on Contingent Expenses and Accounts, to consist of five members.
9. A Committee on Constitutional Amendments, to consist of seven members.
10. A Committee on Contested Elections, to consist of seven members.
11. A Committee on Corporations, to consist of nine members.
12. A Committee on Counties and County Boundaries, to consist of nine members.
13. A Committee on County and Township Governments, to consist of thirteen members.
14. A Committee on Dairies and Dairy Products, to consist of nine members.
15. A Committee on Election Laws, to consist of seven members.
16. A Committee on Education, to consist of nine members.
17. A Committee on Engrossment and Enrollment, to consist of seven members.
18. A Committee on Fruit and Vine Interests, to consist of seven members.
19. A Committee on Fish and Game, to consist of eleven members.
20. A Committee on Federal Relations, to consist of seven members.
21. A Committee on Governor's Messages, to consist of five members.
22. A Committee on Immigration, to consist of nine members.
23. A Committee on Insurance and Insurance Laws, to consist of nine members.
24. A Committee on Irrigation, to consist of nine members.
25. A Committee on Judiciary, to consist of twenty-one members.
26. A Committee on Labor and Capital, to consist of nine members.
27. A Committee on Levees and River Improvements, to consist of seven members.
28. A Committee on Manufactures and Internal Improvements, to consist of seven members.
29. A Committee on Mileage, to consist of five members.
30. A Committee on Military Affairs, to consist of seven members.
31. A Committee on Mines and Mining Interests, to consist of nine members.
32. A Committee on Municipal Corporations, to consist of seven members.
33. A Committee on Oil Industries and Oil Mining Interests, to consist of nine members.
34. A Committee on Public Buildings and Grounds, to consist of eleven members.
35. A Committee on Public Health and Quarantine, to consist of seven members.
36. A Committee on Public Lands and Forestry, to consist of seven members.
37. A Committee on Public Morals, to consist of nine members.
38. A Committee on Public Printing, to consist of seven members.
39. A Committee on Public Works, State Capitol, and Parks, to consist of seven members.
40. A Committee on Public Charities and Corrections, to consist of seven members.
41. A Committee on Reform of the Civil Service, to consist of five members.
42. A Committee on Retrenchment and Reform, to consist of seven members.
43. A Committee on Revenue and Taxation, to consist of nine members.
44. A Committee on Revision and Reform of Laws, to consist of nine members.
45. A Committee on Roads and Highways, to consist of eleven members.
46. A Committee on Rules and Regulations, to consist of five members, one of whom shall be the Speaker.
47. A Committee on State Hospitals and Asylums, to consist of eleven members.
48. A Committee on State Library, to consist of five members.
49. A Committee on State Prisons and Reformatory Institutions, to consist of nine members.
50. A Committee on Swamp and Overflowed Lands and Drainage, to consist of nine members.
51. A Committee on Universities, to consist of seven members.
52. A Committee on Ventilation and Acoustics, to consist of five members.
53. A Committee on Ways and Means, to consist of fifteen members.

The San Francisco Delegation, to whom may be referred matters of interest in particular to the City and County of San Francisco; but not to the exclusion of the jurisdiction of other committees.

27. Committees to be appointed by Speaker.

All committees shall be appointed by the Speaker, unless otherwise ordered by the House.

28. Committee on Contested Elections.

It shall be the duty of the Committee on Contested Elections to examine and report upon the certificates of election or other credentials of the members returned to serve in this House, and to take into their consideration all such petitions and other matters touching elections and returns as shall or may be presented or come into question, and be referred to them by the House.

29. Committee on Ways and Means.

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the State Officers and State Boards or State Commissions and all propositions relative to the revenue of the State as may be referred to them by the Assembly; to inquire into the state of the revenue and expenditures of the State, and report from time to time their opinion thereon. All bills for the appropriation of money, which were not at first referred to the Committee on Ways and Means, shall be reported to the House by the committees having them under consideration, and shall thereupon, without motion, be referred to the Committee on Ways and Means; and said committee shall consider them and report thereon the amount of appropriation required, but such bill shall retain its place on the file pending its consideration by said Committee on Ways and Means.

The Committee on Ways and Means shall, from time to time, at least once in two weeks, report to the House the exact condition of legislation involving appropriations, and the aggregate amount of all the proposed appropriations pending.

30. Committee on Commissions and Public Expenditures.

It shall be the duty of the Committee on Commissions and Public Expenditures to ascertain what State commissions, institutions, or boards, if any, can be abolished or consolidated with advantage to the public, in view of a more economical administration of State affairs; to ascertain what expenditures and salaries of the various public offices and institutions can be advantageously reduced or discontinued; to prepare and report to the Assembly such bills or resolutions as may be required to carry out the recommendations of the committee.

31. Committee on Engrossment.

It shall be the duty of the Engrossing Committee to compare all bills ordered or considered engrossed by this House with the engrossed copies thereof; and before they pass out of the possession of the House, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed.

32. Committee on Revision and Reform of Laws.

It shall be the duty of the Committee on Revision and Reform of Laws to take into consideration all petitions, bills, and resolutions touching the revision and reform of the existing laws of the State of California that shall or may be presented or come into question and be referred to it by the Assembly.

33. Committee expenditures.

No committee shall be permitted to incur any expense by visiting any part of the State on official or other business, without first obtaining leave of the House by a two-thirds vote of the members thereof.

34. Committee of the Whole House.

In forming a Committee of the Whole House, a chairman, to be named by the Speaker, shall preside. Bills committed to a Committee of the Whole House shall, in Committee of the Whole, be read by sections. All amendments shall be noted and reported to the Assembly by the Chairman. After report to the Assembly, the bill shall again be subject to amendment before a vote on the report is taken.

35. Rules in Committee of the Whole.

The rules of the Assembly shall be observed in Committee of the Whole, as far as may be applicable, except limiting the time of speaking, and except that the ayes and noes shall not be taken.

36. Motion to rise decided without debate.

A motion that the committee rise shall always be in order, and shall be decided without debate.

37. Reference of bills.

When a motion is made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order:

The Committee of the Whole House.

A Standing Committee.

A Select Committee.

38. *Calling members to order when transgressing rules.*

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the Chair, the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the Chair shall be subject to an appeal to the House, but no discussion of a question of order shall be allowed, unless an appeal be taken from the decision of the Chair.

39. *Speaker to decide who is entitled to the floor.*

When two or more members shall rise at once, the Speaker shall name the member who is first to speak.

40. *Order in speaking to questions.*

Every member, when he speaks, shall, standing in his place, address "Mr. Speaker," and when he has finished he shall sit down. No member shall speak more than twice during the consideration of any one question, of whatever nature, on the same day and at the same stage of proceedings, without leave being granted, except the author of a bill or resolution, or mover of a question. No member shall be allowed to speak more than thirty (30) minutes upon any question, except by leave of the House.

41. *Called to order for offensive words in debate.*

If any member be called to order for offensive words spoken in debate, the person calling him to order shall report the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to censure of the House, for language used in debate, if any member has spoken or other business has intervened after the words spoken and before exception to them shall have been taken.

42. *Personal explanation.*

Any member may rise to explain a matter personal to himself, with leave of the Chair, but shall not discuss a question in such explanation.

43. *Motions to be stated by Speaker shall be reduced to writing, or may be withdrawn.*

No motion shall be debated until the same be seconded and distinctly announced by the Speaker; and it shall be reduced to writing, if desired by the Speaker, or any member, and be read by the Clerk, before the same shall be debated. A motion may be withdrawn by leave of the House, at any time before amendment or decision.

44. *Motion to adjourn.*

A motion to adjourn shall always be in order, except during roll call. The Clerk shall enter on the Journal the name of any member moving an adjournment, also the hour at which the motion was made.

When a motion is made and seconded to adjourn, it shall be in order for the Speaker, before putting the question, to permit any member to state any fact to the House relating to the condition of the business of the House, which would seem to render it improper to adjourn at that time. Such statement, however, shall not be debatable, and such statement or statements shall not, in any case, occupy more than two minutes.

Concurrent resolutions for adjournment *sine die* shall in all cases, whether originating in the House or coming from the Senate, be referred to the Committee on Ways and Means. That committee shall report upon any such concurrent resolution not later than the next legislative day, and with regard to the status of the general appropriation bill and the tax levy.

45. *Precedence of motions during debate.*

When a question is under debate, or before the House, no motion shall be received but: To adjourn; to lay on the table; for the previous question; to postpone to a day certain; to commit or amend; to postpone indefinitely; which several motions shall have precedence in the order in which they are named, but the first three shall be decided without debate; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall again be allowed on the same day and at the same stage of the proceedings. A motion to strike out the enacting clause of a bill shall have preference over a motion to amend, and, if carried, shall be considered equivalent to its rejection. A dilatory motion shall not be considered intervening business within the meaning of parliamentary usage.

46. *Previous question.*

The previous question shall be in this form: "Shall the main question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote on the question or questions before it.

47. *Questions of order after previous question is ordered.*

All incidental questions of order arising after a motion is made for the previous question, and pending such motion or previous question, shall be decided (whether on appeal or otherwise) without debate; *provided*, that after the previous question shall have been ordered, ten minutes shall be allowed for explanation of the matters covered

by the previous question, of which five minutes shall be given to the member moving the previous question, and five minutes to those opposed thereto.

48. *Previous question demanded.*

The previous question shall only be put when demanded by three members.

49. *Question indefinitely postponed.*

When a question is postponed indefinitely, the same shall not again be introduced during the session.

50. *Division of questions.*

Any member may call for a division of the question, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither a motion to add to nor a motion to strike out and insert.

51. *Substitute.*

A substitute shall be deemed and held to be an amendment, and be treated in all respects as such.

52. *Subjects different from the one under consideration.*

No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

53. *Printing of bills.*

Five hundred copies of all bills shall be printed. The Sergeant-at-Arms shall be required to certify to the reception by the House of all such printed matter, and the quantity thereof.

54. *Printing extra number of bills, etc.*

A proposition to print an extra number of any document or other matter shall lie on the table one day for consideration, unless otherwise ordered by consent of the House.

55. *Printing of maps.*

Maps accompanying documents shall not be printed under the general order to print, without the special direction of the House.

56. *Filling blanks.*

In filling up blanks the least sum and shortest time shall be first put.

57. *Priority of business.*

All questions relating to the priority of business shall be decided without debate.

58. *Reading of papers.*

When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the House, without debate.

59. *Notice of reconsideration.*

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any member; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken, by a member voting with the majority; and it shall not be in order for any member to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session. No motion to reconsider shall be adopted, except upon a roll call, and it shall require forty-one votes to adopt the motion.

60. *Elections by House.*

In all cases of election by the House the vote shall be taken *viva voce*.

61. *Calling ayes and noes.*

The ayes and noes shall be taken on the final passage of all bills, and when called for by three members on other questions, and every member within the bar of the House, when his name is called, shall (unless for special reasons he be excused) declare openly, and without debate, his vote. In taking the ayes and noes, and upon call of the House, the names of the members shall be taken alphabetically, and the Clerk shall enter on the Journal the names of those demanding the ayes and noes.

62. *Members at Clerk's desk.*

No member or other person shall remain by the Clerk's table while the ayes and noes are being called, or while the votes are being counted.

63. *Voting on question when interested.*

No person shall vote on any question in the result of which he is personally interested or involved.

64. Division and count of House.

Upon a division and count of the House on any question, no person without the bar shall be counted.

65. Explaining or changing vote.

No member shall be allowed to explain his vote or discuss the question while the yeas and noes are being called, and no member shall be allowed to change his vote after the vote is announced from the chair.

66. Call of the House.

Upon a call of the House the names of the members shall be called over by the Clerk, and the absentees noted, after which the names of the absentees shall again be called over. The door shall then be shut, and those for whom no excuse or insufficient excuses are made, may, by order of those present, be taken into custody, as they appear, or may be sent for and taken into custody by the Sergeant-at-Arms wherever to be found, or by special messenger, to be appointed for that purpose. In the absence of a quorum, a majority of the members present may order a call of the House and compel the attendance of absentees in the manner above provided. No recess can be taken during a call of the House.

67. Suspending and changing rules.

No standing rule or order of the House shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; *provided*, that the Committee on Rules and Regulations may at any time, except during a roll call, report a temporary rule providing for the consideration of any bill on the files of the House belonging to either of the following classes:

1. Bills affecting the State government, its revenue, its various departments or commissions, or appropriations therefor.
2. Bills affecting county and township governments, or roads and highways.
3. Bills affecting town, city, city and county governments, or the municipal affairs of the same.
4. Bills amending election or primary election laws.
5. Constitutional Amendments.
6. Bills amending or repealing the Codes or sections thereof.

Such temporary rule shall provide when a bill so selected shall be taken up for consideration, and the time when final vote shall be taken thereon and pending amendments thereto, if there be any.

It shall always be in order to call up for consideration such report. The same shall be subject to amendment by the House.

On the adoption of such temporary rule by the House by a two-thirds vote thereof, if the bill be on third reading, and by a majority vote of the members elected to the House, if otherwise, such bill shall thereupon be made the special order for the time fixed therein.

A rule of order may be suspended temporarily by a vote of two thirds of the members present, except that portion of Rule 6 relating to third reading of bills. A motion or resolution proposing to increase or diminish a standing committee shall not be adopted until the same has been referred to the Committee on Rules and Regulations.

The Committee on Rules and Regulations may also, at any time, report a temporary rule or regulation for the consideration of the business on the file, having regard to the condition of the business of the House. When such temporary rule or regulation shall have been adopted by the House, it shall have the effect, for the time being, of a standing rule, and shall be enforced by the Speaker.

68. Members absenting themselves.

No member shall absent himself from the service of the House without the leave of the House, except in case of sickness; and if any member or officer of the House absent himself without leave, his per diem shall not be allowed him; but no member shall obtain leave of absence, or be excused, without a vote of two-thirds of the House.

69. Persons admitted to floor.

No persons except Senators, State officers, Governors and ex-Governors of States, Members of Congress, Judges of the Supreme or Superior Courts, members of the press when accredited by their respective journals, ladies when specially invited by a member of the House, shall be admitted within the Assembly Chamber, except in the galleries, during the session of the House; but a majority may have the floor of the House within the bar cleared of any or all such persons. The Speaker is charged with the enforcement of this rule.

70. Smoking in hall.

No smoking shall be allowed within the Assembly Chamber during the session of the House.

71. Parliamentary rules.

The rules of parliamentary practice contained in *Roberts' Rules of Order* shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the Standing Rules and Orders of the House and the Joint Rules of the Senate and House of Assembly.

72. Use of hall.

The Assembly Room shall not be used for any public or private business other than legislative, except by consent of a majority of the House.

73. Fees for witnesses.

Witnesses summoned to appear before the House, or any of its committees, shall be paid as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to and going from the place of examination, the sum of ten cents. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

74. Protest of members.

It shall be in order for any member or members to protest against the action of the House, and have such protest entered upon the minutes.

75. Fees allowed in cases of contest.

Whenever, in the Assembly, a contest is made for the seat of any Assemblyman, no more than two hundred dollars shall be allowed as counsel fees to either side.

76. Assignment of attachés.

The Committee on Attachés and Employés shall assign the committee clerks and the official stenographers of the House to the various committees; *provided*, that the Committee on Judiciary and the Committee on Ways and Means shall each be entitled to one clerk and one stenographer, to be selected by the chairman of those committees, respectively.

All assignments of committee clerks and stenographers made by the Committee on Attachés and Employés under this rule shall be reported to the House and entered in the Journal.

77. Introduction of bills after fiftieth day.

On or prior to the fiftieth day of the session the Speaker shall appoint a standing Committee on Introduction of Bills, to consist of three members.

All motions for leave to introduce bills after the fiftieth day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full, and the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

78. Leave of absence of committee visiting public institutions.

When leave of absence shall be granted any committee, special or standing, to visit public buildings or institutions, or for any other purpose, such leave shall be granted only by a two-thirds vote taken *viva voce*, and no expenses or mileage of attachés shall be allowed. No member of the Assembly shall accompany a committee as a substitute for a member thereof who declines to accompany the committee, without permission for such substitution being obtained from the Speaker. Application for a leave of absence for a committee shall be made to the Assembly by the chairman thereof, by resolution, which shall give the name of the institution or institutions to be visited and briefly recite the occasion and necessity for visiting the same, together with the number of committeemen desiring leave. Such resolution shall immediately, and without debate, be referred to the Committee on Rules and Regulations, with instructions to report upon the next legislative day on the same, and whether the leave of absence can be granted without interfering with the business of the Assembly.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker appointed the following as a committee to wait upon the Governor: Messrs. Fisher, McConnell, and Drew.

RESOLUTION.

The following resolution was offered:

By Mr. Leeds:

Resolved, That until further order the Standing Rules of this Assembly at its last regular session be and the same are hereby adopted as the rules of this session, and the

committees appointed at the last regular session shall remain as the committees of this special session, provided that all vacancies shall be filled by appointment by the Speaker.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—73.

NOES—None.

MESSAGE FROM THE SENATE.

The following message from the Senate was received and read:

SENATE CHAMBER, SACRAMENTO, November 19, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following resolution:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized, and ready to proceed to the business of the State, having elected the following statutory officers:

President pro tem.—Edward I. Wolfe.

Secretary of the Senate—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—G. Ray Horton.

Chaplain—C. H. Darling.

LEWIS A. HILBORN, Secretary of Senate.

RESOLUTION.

The following resolution was offered:

By Mr. Stetson:

Resolved, That on or prior to the second day of the session, the Speaker shall appoint a standing committee on "Introduction of Bills," to consist of three members.

All motions for leave to introduce bills after the second day shall be sent to the desk in writing, under the order of "Introduction of Bills," and at no other time. The motion shall give the title of the bill, and shall be accompanied by the bill. The bill shall thereupon be referred to the Committee on Introduction of Bills.

That committee shall examine bills referred to it with particular reference to the question as to whether there is already any bill in either house of the same character which might be amended to effect the result sought; also as to whether the bill proposed comes within the call by the Governor for the extra session, and generally as to the advisability of introducing the measure.

The committee shall report upon each bill so referred to it on the same legislative day. The report shall be made at the conclusion of the consideration of the Senate Special File.

The committee may, in its discretion, incorporate more than one bill in the resolution to grant leave to introduce, incorporating in the resolution the title of each bill in full. And the roll shall be called upon the adoption of the resolution without debate.

If a division of the question is demanded upon the introduction of any particular bill, the division shall be allowed, and the roll called separately upon the bill.

Resolution read.

SPECIAL ORDER SET.

There being no objection, the Speaker made the further consideration of the above resolution a special order, on call, for Wednesday, November 20, 1907.

REPORT OF SELECT COMMITTEE.

The committee appointed by the Speaker to wait upon the Governor appeared before the bar of the Assembly and reported that the Governor would immediately, through his secretary, deliver a message to the Assembly.

GOVERNOR'S MESSAGES.

The following messages from the Governor were taken up and read:

GOVERNOR'S MESSAGE.

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA,
SACRAMENTO, November 19, 1907.

To the Senate and Assembly of the State of California, convened in Special Session:

At the most urgent request of clearing houses, banking institutions, civic bodies, and many prominent business men from all parts of the State, I have called you together for the purpose of enacting certain legislation which is believed to be imperative because of the most unusual financial stringency existing to-day in the State, brought about by conditions existing in the East.

The specific purposes for which you have been called together appear in a proclamation issued by me on Friday, the 15th instant, copies of which will be placed before you.

Several of these purposes I desire herein to call to your special attention, and I ask your careful consideration of them.

It is very important that the finances of this State should reach a normal condition as speedily as possible, and there is every reason to believe that this will be so, if our people are patient and will view the situation philosophically and take no steps to embarrass the banking institutions of this State, that are now using every effort possible to restore confidence and to replace the reserves that for several months have been depleted by reason of the movement of crops and by the action of timid depositors who have withdrawn their money and hoarded it.

The country generally is very prosperous, our State is particularly so, and there is no reason why this prosperity should not continue. Legitimate business never was better. The farmers in every State have been blessed with large crops for a number of years, for which they have received good prices. All the wheels of industry are turning, trying to supply the enormous demands made upon them. All labor is employed at the highest wages ever known and the merchants have been enjoying a large trade. There is no poverty in the land, yet in the midst of plenty, and apparently on a most solid basis, and with more money in the country and a larger per capita than we ever enjoyed before, the nation finds itself in the throes of a money panic.

It is quite evident that there must be some cause for this condition of affairs, and it is found in the extravagant living, wild speculation, the effort to get rich quickly by giving nothing for something, the frenzied finance of the stock and bond manipulators of Wall street, and the attempt, dishonestly and by misrepresentation, to float all manner of enterprises upon a sea of water. These are the things which have been mostly, if not entirely, responsible for the present financial stringency, and it is only the unparalleled prosperity, distributed among the masses, that saved us from financial ruin.

Our banking laws need to be amended so as to afford better protection to the depositor. The large trust companies and corporations doing an interstate business should be placed under Federal supervision and subject to Federal laws, and if there is no authority for this under the present Constitution, then the Constitution should be amended so as to grant such power.

I suggest that the Legislature appoint a committee to investigate the methods of doing banking business in this State, and to report thereon at the next regular session, together with such recommendations and changes in the law as such committee may deem necessary.

To-day our banks have large balances due them from the East, amounting to millions of dollars, which have accumulated there by reason of the movement of our crops to that market. Most of this money should, in the due course of business, have been paid by this time, but because of the financial conditions existing in New York and other Eastern cities, our bankers are unable to secure the balances due them, payment having been temporarily refused.

This, together with the fact that for several months large sums have been withdrawn from the banks and hoarded, had greatly depleted the cash reserve which the banks usually carry, and with which the business of our State is carried on. The effect is that money can not be secured with which to pay the first installment of taxes without reducing the reserves to such an extent as to seriously imperil our financial, commercial and industrial interests, thereby jeopardizing the business of the State. In fact, many who have depended upon the banks to supply money to pay taxes can not pay their taxes at all. Unless some relief is granted the delinquent list will be large, and many of our citizens will suffer a heavy penalty, and so much money will be taken out of circulation at a time when none can be spared as to threaten the very business prosperity of the people. This relief can come by enacting a law authorizing the Governor, during a great financial stringency, to issue a proclamation extending the payment of taxes for a short period of time.

Such a bill will be presented to you for your consideration and I desire you to give it your most earnest attention.

The financial conditions have been such that it was necessary to declare legal holidays in order to protect our business interests. Other states for the same reason have also declared holidays. While it has been necessary and wise to declare them, still the business of the courts has suffered and there has resulted loss and great inconvenience to many of our citizens. It is possible to declare holidays to protect our financial and commercial interests and still leave the courts open to dispatch a large variety of necessary business. Therefore the law should be amended so that during holidays declared by a proclamation issued by the Governor the courts may remain open for the prosecution of all criminal actions and proceedings; to conclude any action pending and on trial; in all suits for injunctions; to quiet title to real property; for partition; condemnation proceedings; forcible entry and detainer or unlawful detainer; replevin; ejectment; divorce; probating of estates of deceased persons, and many other matters not necessary to mention.

This change of our laws I deem very necessary, and I trust the Legislature will pass suitable legislation to that end. The law as it now applies to regular and fixed holidays should remain as it is, the change being made only in reference to what may be termed special holidays declared by the Governor's proclamation.

Several proposed amendments to the charter of the City and County of San Francisco, which were ratified by the qualified electors of said city at a recent election held therein, will be submitted to you for your approval. One of such amendments is of particular importance to the city, and relates to the issuance and sale of bonds for municipal improvements, and in view of the great need of such improvements in San Francisco, it is very important that this amendment should be approved by the Legislature.

Among these improvements of which San Francisco is urgently in need are: an auxiliary water system for fire protection and for sanitary and flushing purposes; construction and repair of its sewer system; the construction of a city and county hospital; the repaving of accepted streets; the reconstruction of school houses destroyed by fire and earthquake; the construction of a new City Hall, Hall of Justice, and other public buildings. The estimated cost of these improvements amounts to about \$28,000,000, and the money to build the same must be raised by a bond issue. The necessity for making these improvements alone is sufficient to warrant the calling of an extra session of the Legislature, and I apprehend that there will be no doubt in your minds about approving this amendment as well as several others which will be submitted to you.

At the last general State election A. M. Wilson of San Francisco was elected to the office of Railroad Commissioner from the Second District. Mr. Wilson has, on several occasions, confessed to having received bribes while a public officer, and today an indictment stands against him for committing the very crime for which he stands confessed. The Constitution provides that the Legislature may, by a two-thirds vote, remove a Railroad Commissioner for dereliction of duty, or corruption, or incompetency. In the proclamation convening this special session, your attention has been called to Mr. Wilson. He is charged therein with corruption and incompetency, and you are requested to investigate the charges. The procedure is left to you, and I have performed my duty by calling your attention to the matter and requesting an investigation at your hands. I feel confident that if you find the charges to be true you will have no hesitancy in pronouncing a proper verdict.

I trust that you will take up as speedily as possible the several matters set forth in the proclamation calling this special session, and act upon the same. It is very desirable that the session should not continue longer than is necessary and that every effort be made to keep down expenses to the minimum.

J. N. GILLETT,
Governor of California.

Also:

To the Senate and Assembly of the State of California:

I have just received the following:

To the HON. JAMES N. GILLETT, Governor of California.

SIR: I hereby tender my resignation as a Railroad Commissioner for the Second District.

"Yours respectfully,

"ANDREW M. WILSON."

I immediately accepted the resignation, and have so advised Mr. Wilson.

In my judgment, further proceedings looking to the removal of Mr. Wilson from office are unnecessary.

J. N. GILLETT, Governor.

INTRODUCTION OF BILLS.

The following bills were introduced:

By Mr. Johnson of Sacramento: Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 2—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read first time, and referred to Committee on Judiciary.

Also: Assembly Bill No. 5—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

Bill read first time, and referred to Committee on Judiciary.

By Mr. Estudillo: Assembly Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Bill read first time, and referred to Committee on Ways and Means.

Also: Assembly Bill No. 7—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

Bill read first time, and referred to Committee on Ways and Means.

RESOLUTION—(OUT OF ORDER).

Unanimous consent having been obtained, the following resolution was offered:

By Mr. McGuire:

Resolved, That all bills introduced be sent to the printer with a rush order, and that five thousand copies of each bill introduced under the first and second paragraphs of the Governor's proclamation be printed.

Resolution read, and on motion adopted.

ADJOURNMENT.

At eleven o'clock and forty-five minutes A. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Wednesday, November 20, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Wednesday, November 20, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutton, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—76.

Quorum present.

PRAYER.

By invitation of the Speaker, prayer was offered by the Rev. W. F. Reager, of Sacramento, California.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Leeds.

COMMUNICATION.

Upon instructions from the Speaker, the following communication was read:

QUINCY, CALIFORNIA, November 18, 1907.

HON. R. L. BEARDSLEE, *Speaker of Assembly, Sacramento, Calif., U. S. A.:*

Sickness compels my absence. Am sorry. I love the boys of the Thirty-seventh and have defended them against all assailants.

REV. P. H. WILLIS, Chaplain.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, November 20, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Assembly Bill No. 7—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

RESOLUTION.

The following resolution was offered by the Committee on Mileage:

Resolved, That the State Controller be and he is hereby directed and ordered to draw his warrant upon the proper fund in favor of the following named officers and members of the Assembly for the amounts set opposite each of their names; and the State Treasurer is hereby ordered and directed to pay the same:

Name.	Residence.	Miles.	Amount.
Barry, D. W.	San Francisco	180	\$18 00
Baxter, E. N.	Wawona	438	43 80
Beardslee, R. L.	Stockton	96	9 60
Beban, D. J.	San Francisco	180	18 00
Beckett, S. H.	San Francisco	180	18 00
Bell, R. O.	Los Angeles	894	89 40
Berry, T. J. T.	Crescent City	728	72 80
Birdsall, E. S.	Auburn	72	7 20
Bishop, Clyde	Santa Ana	958	95 80
Boyle, P. J.	San Francisco	180	18 00
Bush, F. W.	Napa	122	12 20
Butler, E. I.	San Rafael	210	21 00
Campbell, P. C.	Richmond	164	16 40
Case, G. S.	Pasadena	912	91 20
Chandler, W. F.	Fowler	358	35 80
Cogswell, P. F.	El Monte	924	92 40
Coghlan, N. C.	San Francisco	180	18 00
Collister, S. W.	Occidental	212	21 20
Cornish, N. A.	Alturas	648	64 80
Costar, W. J.	Chico	192	19 20
Cullen, J. A.	San Francisco	180	18 00
Cutten, C. P.	Eureka	624	62 40
Davis, J. O.	Hollister	340	34 00
Devlin, F. R.	Vallejo	120	12 00
Drew, A. M.	Fresno	338	33 80
Eshleman, J. M.	Berkeley	168	16 80
Estudillo, M.	Riverside	1,024	102 40
Finney, J. W.	Downieville	238	23 80
Fisher, C. M.	San Francisco	180	18 00
Forbes, P. W.	Independence	932	93 20
Fratessa, P. F.	San Francisco	180	18 00
Hammon, P. V.	Los Angeles	894	89 40
Hans, G. J.	Fruitvale	180	18 00
Hartmann, F. Hugo	San Francisco	180	18 00
Held, W. D. L.	Ukiah	300	30 00
Hewitt, A. H.	Yuba City	116	11 60
Higgins, J. T.	Morgan Hill	296	29 60
John, W. M.	San Luis Obispo	686	68 60
Johnson, G. L.	Sacramento	2	20
Johnson, P. A.	San Diego	1,104	110 40
Jury, R. H.	San Mateo	224	22 40
Kelly, P. J.	San Francisco	180	18 00
Kohlman, S. T.	San Francisco	180	18 00
Leeds, W. R.	Los Angeles	894	89 40
Lemon, W. F.	San Bernardino	1,016	101 60
Lucas, H. C.	Santa Cruz	396	39 60
Ludington, W. F.	San Diego	1,146	114 60
Lynch, E. J.	Walsh Station	32	3 20
McClellan, J. W.	Bridgeville	732	73 20
McConnell, J. I.	Woodland	46	4 60
McGuire, Wm. L.	Hanford	428	42 80
McKeon, John	San Francisco	180	18 00
McMullin, H. W.	Bakersfield	556	55 60
O'Brien, F. J.	Sacramento	16	1 60
Otis, Frank	Alameda	182	18 20
Percival, A. E.	Lodi	66	6 60
Pierce, Fred E.	Los Angeles	894	89 40
Pyle, E. M.	Santa Barbara	920	92 00
Root, G. W.	Grass Valley	148	14 80
Sackett, G. L.	Ventura	980	98 00
Smith, G. W.	Santa Clara	284	28 40
Smyth, F. H.	Lake	208	20 80
Snyder, G. F.	San Andreas	146	14 60
Spalding, C. C.	Sunnyvale	264	26 40
Stanton, P. A.	Los Angeles	894	89 40
Stetson, J. W.	Oakland	168	16 80

Name.	Residence.	Miles.	Amount.
Strohl, Louis	San Francisco	180	\$18 00
Strobridge, E. K.	Haywards	196	19 60
Thompson, Henry	San Francisco	180	18 00
Thompson, N. W.	Los Angeles	910	91 00
Toomey, D. J.	San Francisco	180	18 00
Transue, J. P.	Los Angeles	894	89 40
Vogel, Mel	San Francisco	180	18 00
Walsh, P. M.	Oakland	168	16 80
Weske, H. W. A.	Santa Rosa	180	18 00
Wessling, John	San Francisco	180	18 00
Whitmore, R. K.	Modesto	154	15 40
Wilson, J. A.	San Francisco	180	18 00
Wyatt, J. J.	Salinas City	416	41 60

Contingent Expenses.

Clio Lloyd	Santa Barbara	920	\$92 00
C. S. MacMullan	Oakland	168	16 80
C. S. MacMullan	Two days' services at \$6 per diem	---	12 00
J. T. Stafford	Sacramento	2	20

SPECIAL ORDER SET.

During the reading of the resolution, on motion of Mr. Transue, the further consideration of the same was made a special order, on call, for Thursday, November 21, 1907.

REQUEST FOR USE OF ASSEMBLY CHAMBER.

Mr. Johnson of Sacramento asked for and was granted leave to use the Assembly Chamber after adjournment for holding a meeting of the Committee on Judiciary.

INTRODUCTION OF BILLS.

By Mr. Estudillo: Assembly Bill No. 8—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read first time, and referred to Committee on Ways and Means.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Finney:

WHEREAS, P. H. Willis, Chaplain of the Assembly, is unable to attend this special session on account of sickness;

Resolved, That the name of Rev. W. F. Reager of Sacramento be substituted as Chaplain.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—72.

NOES—None.

By Mr. Held:

WHEREAS, In the message of His Excellency, Hon. J. N. Gillett, to this Assembly on

Name.	Residence.	Miles.	Amount.
Bush, F. W.	Napa	122	\$12 20
Butler, E. I.	San Rafael	210	21 00
Campbell, P. C.	Richmond	164	16 40
Case, G. S.	Pasadena	912	91 20
Chandler, W. F.	Fowler	358	35 80
Cogswell, P. F.	El Monte	924	92 40
Coghlan, N. C.	San Francisco	180	18 00
Collister, S. W.	Occidental	212	21 20
Cornish, N. A.	Alturas	648	64 80
Costar, W. J.	Chico	192	19 20
Cullen, J. A.	San Francisco	180	18 00
Cutten, C. P.	Eureka	624	62 40
Davis, J. O.	Hollister	340	34 00
Devlin, F. R.	Vallejo	80	8 00
Drew, A. M.	Fresno	338	33 80
Eshleman, J. M.	Berkeley	168	16 80
Estudillo, M.	Riverside	1,024	102 40
Finney, J. W.	Downieville	238	23 80
Fisher, C. M.	San Francisco	180	18 00
Forbes, P. W.	Independence	932	93 20
Fratessa, P. F.	San Francisco	180	18 00
Hammon, P. V.	Los Angeles	894	89 40
Hans, G. J.	Fruitvale	180	18 00
Hartmann, F. Hugo	San Francisco	180	18 00
Held, W. D. L.	Ukiah	300	30 00
Hewitt, A. H.	Yuba City	116	11 60
Higgins, J. T.	Morgan Hill	296	29 60
John, W. M.	San Luis Obispo	686	68 60
Johnson, P. A.	San Diego	1,104	110 40
Jury, R. H.	San Mateo	224	22 40
Kelly, P. J.	San Francisco	180	18 00
Kohlman, S. T.	San Francisco	180	18 00
Leeds, W. R.	Los Angeles	894	89 40
Lemon, W. F.	San Bernardino	1,016	101 60
Lucas, H. C.	Santa Cruz	396	39 60
Ludington, W. F.	San Diego	1,146	114 60
Lynch, E. J.	Walsh Station	32	3 20
McClellan, J. W.	Bridgeville	732	73 20
McConnell, J. I.	Woodland	46	4 60
McGuire, Wm. L.	Hanford	428	42 80
McKeon, John	San Francisco	180	18 00
McMullin, H. W.	Bakersfield	556	55 60
Otis, Frank	Alameda	182	18 20
Percival, A. E.	Lodi	66	6 60
Pierce, Fred E.	Los Angeles	894	89 40
Pyle, E. M.	Santa Barbara	920	92 00
Root, G. W.	Grass Valley	148	14 80
Sackett, G. L.	Ventura	980	98 00
Smith, G. W.	Santa Clara	284	28 40
Smyth, F. H.	Lake	208	20 80
Snyder, G. F.	San Andreas	146	14 60
Spalding, C. C.	Sunnyvale	264	26 40
Stanton, P. A.	Los Angeles	894	89 40
Stetson, J. W.	Oakland	168	16 80
Strohl, Louis	San Francisco	180	18 00
Strobridge, E. K.	Haywards	196	19 60
Thompson, Henry	San Francisco	180	18 00
Thompson, N. W.	Los Angeles	910	91 00
Toomey, D. J.	San Francisco	180	18 00
Transue, J. P.	Los Angeles	894	89 40
Vogel, Mel	San Francisco	180	18 00
Walsh, P. M.	Oakland	168	16 80
Weske, H. W. A.	Santa Rosa	180	18 00
Wessling, John	San Francisco	180	18 00
Whitmore, R. K.	Modesto	154	15 40
Wilson, J. A.	San Francisco	180	18 00
Wyatt, J. J.	Salinas City	416	41 60

Contingent Expenses.

Clio Lloyd	Santa Barbara	920	\$92 00
C. S. MacMullan	Oakland	168	16 80
C. S. MacMullan	Two days' services at \$6 per diem	---	12 00

The roll was called, and the resolution, as amended, adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—76.

NOES—None.

CONSIDERATION OF RESOLUTIONS POSTPONED.

On motion of Mr. Stanton, the further consideration of Assembly Concurrent Resolution No. 1 and the resolution offered by Mr. Held, on Wednesday, November 20, 1907, was postponed until Friday, November 22, 1907, subject to call.

SENATE MESSAGES.

On motion of Mr. Johnson of Sacramento, the following Senate messages were taken up and read:

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following, as cases of urgency:

Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 104, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Also: Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

The above reported bills were referred to the Committee on Ways and Means.

Also:

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following as a case of urgency:

Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Committee Substitute for Senate Bill No. 11 referred to Committee on Judiciary.

ADJOURNMENT.

At eleven o'clock and fifty-five minutes A. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Friday, November 22, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Friday, November 22, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—73.

Quorum present.

PRAYER.

Prayer was offered by the Rev. C. T. Clark of Sacramento.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Fisher.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and

creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 104, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Also: Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund to defray the expense of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

Have had the same under consideration, and respectfully report the same back and recommend that they do pass.

ESTUDILLO, Chairman.

The above reported bills ordered on file for second reading.

ON CONTINGENT EXPENSES AND ACCOUNTS.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized to pay the same, for the sum of four hundred and eighty dollars and ninety cents, in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached, for the preparation of the Assembly for the Thirty-seventh (extra) Session, viz:

Labor	\$162 00
Stober Bros., plumbing	3 25
Globe Transfer Co., drayage	87 50
H. W. Rivett, canvas and carpet	45 30
Scott, Lyman & Stack, wiring and lamps	43 30
Lathrop & Johnson, carpenters	96 66
Wasserman, Gattman Co.	1 04
J. Breuner Co.	33 85
G. Sellinger, coal	2 00
S. Adams, towels	6 00
Total	\$480 90

Have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BERRY, Chairman.

Mr. Berry moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hewitt, Higgins, John, Jury, Kelly, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—68.

NOES—None.

Also:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Contingent Expenses and Accounts, to whom was referred the following resolution:

Resolved, That the State Controller be and he is hereby directed to draw his warrant in favor of H. Freyer, Treasurer of The Fraternal Brotherhood Lodge No. 418, for the sum of fifty dollars, out of the Contingent Fund of the Assembly, and the Treasurer is hereby directed to pay the same; being damage caused by inconvenience and expenses through having to change place and date of grand minstrel and ball which was to be held in Turner Hall, Thursday evening, November 21, 1907, as per bill attached.

SACRAMENTO, November 19, 1907.

The State of California from the Fraternal Brotherhood, Local 418:

To damage caused by inconvenience and expenses through having to change place and date of grand minstrel and ball, which was to be held in Turner Hall, Thursday evening, November 21st

\$50 00

Have had the same under consideration, and respectfully report the same back and recommend that it do pass.

BERRY, Chairman.

Mr. Berry moved the adoption of the report and resolution.

The roll was called, and the report and resolution adopted by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Drew, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—70.

NOES—Messrs. Davis and Eshleman—2.

MESSAGE FROM THE SENATE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, November 21, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day passed the following: Senate Concurrent Resolution No. 4—Relative to printing an edition of five thousand copies of the laws and amendments to the Codes, passed at this extra (thirty-seventh) session.

LEWIS A. HILBORN, Secretary of the Senate.
By J. W. KAVANAGH, Assistant Secretary.

Mr. McGuire moved that the Assembly proceed forthwith to consider Senate Concurrent Resolution No. 4.

Motion carried.

SENATE CONCURRENT RESOLUTION No. 4.

Resolved by the Senate, the Assembly concurring, That the Superintendent of State Printing be instructed to cause to be printed an edition of five thousand copies of the laws, and amendments to the codes, passed at this extra session, to be indexed by the Secretary of State, the same to be stitched and paper covered, and to be delivered to the Secretary of State for free distribution, twenty of which copies he shall send to each Senator and Member of the Assembly, which shall be paid for out of the appropriation for legislative printing.

Senate Concurrent Resolution No. 4 read.

The roll was called, and the report and Senate Concurrent Resolution No. 4 adopted by the following vote:

AYES—Messrs. Barry, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

NOES—None.

Senate Concurrent Resolution No. 4 ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES—(RESUMED).

The following report of standing committee was received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays—report the same back with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 2—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days—report the same back with one amendment, and recommend its passage as amended.

Also: Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also: Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays—have had the same under consideration, and respectfully report the same back and recommend that it do pass.

Also: Assembly Bill No. 5—An Act to add a new section to the Political Code of the State of California to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency—report the same back and recommend it do not pass, because Senate Bill No. 11 covers the ground.

JOHNSON of Sacramento, Chairman.

The above reported bills ordered on file for second reading.

CONSIDERATION OF BILLS OUT OF ORDER.

On motion of Mr. Johnson of Sacramento, the above reported bills were taken up for second reading.

SECOND READING OF BILLS.

Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

During the second reading of the bill the following amendment was submitted by the committee:

Strike out the words "that such" in line 20, page 2 of the printed bill, and insert in lieu thereof the word "this."

Amendment adopted.

Bill read second time, and ordered to reprint and engrossment.

Assembly Bill No. 2—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

During the second reading of the bill the following amendment was submitted by the committee:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. Section one hundred and thirty-four of the Code of Civil Procedure is hereby amended to read as follows:

134. No Superior or Justice Court shall be opened for the transaction of judicial business on any Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the first Monday of September, the twenty-fifth day of December, or on any day on which an election is held throughout the State, or on any day appointed by the President of the United States, or by the Governor of this State for a public fast or thanksgiving, except for the following purposes:

1. To give, upon their request, instructions to a jury when deliberating on their verdict;

2. To receive a verdict or discharge a jury;

3. For the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature;

4. For the issuance of writs of injunction or of prohibition.

Any judicial business, civil or criminal, shall be transacted by such courts on any and all other days than those hereinbefore enumerated, except that no suit on contract, express or implied, for the direct payment of money, shall be heard or determined on any holiday.

SEC. 2. Section 135 of the Code of Civil Procedure is hereby amended to read as follows:

135. If any day mentioned in Section 10 of this Code, other than a special holiday, as such term, special holiday, is therein used, be a day appointed for the holding or sitting of any court, other than the Supreme Court or the respective District Courts of Appeal, such court is deemed adjourned to the next succeeding judicial day.

SEC. 3. This Act shall take effect and be in force from and after twelve o'clock m. on the second day of December, one thousand nine hundred and seven.

Amendment pending.

Bill ordered to reprint and to retain its place on file.

Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read second time, and ordered to engrossment.

Assembly Bill No. 5—An Act to add a new section to the Political Code of the State of California to be known and numbered as Section 3900a, relating to the postponing of collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

Bill read second time, and ordered to engrossment.

REPORT OF STANDING COMMITTEES—(RESUMED).

The following report of standing committee was received and read:

ON JUDICIARY.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Judiciary, to whom was referred Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith—report the same back with eight amendments, and recommend its passage as amended.

JOHNSON of Sacramento, Chairman.

Bill ordered on file for second reading.

SECOND READING OF BILL—(OUT OF ORDER).

On motion of Mr. Johnson of Sacramento, Committee Substitute for Senate Bill No. 11 was taken up for second reading.

Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3757, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

During the second reading of the bill, the following amendments were submitted by the committee:

AMENDMENT No. 1.

After the word "six" in line 10 of Section 1 of page 1 of the printed bill, insert the word "o'clock."

Amendment adopted.

AMENDMENT No. 2.

Strike out the word "above" in line 17 of Section 1, page 2 of the printed bill.

Amendment adopted.

AMENDMENT No. 3.

Insert the words "by law" after the word "vided," in line 18, Section 1, page 2 of the printed bill.

Amendment adopted.

AMENDMENT No. 4.

After the word "duty" in line 22 of Section 1, page 2 of the printed bill, insert the words "imposed by law."

Amendment adopted.

AMENDMENT No. 5.

Strike out the words "matters herein enumerated and imposed by law," in lines 23 and 24 of Section 1, page 2 of the printed bill, and insert in lieu thereof as follows: "collection of the first installment of said taxes and the fifteen per cent penalty for delinquency thereof and the settlement therefor."

Amendment adopted.

AMENDMENT No. 6.

After the word "sixty" in line 24, Section 1, page 2 of the printed bill, insert the word "three."

Amendment adopted.

AMENDMENT No. 7.

Strike out the naught, in line 24 of page 2 of Section 1 of the printed bill, and insert the figure "3."

Amendment adopted.

AMENDMENT No. 8.

Strike out all of line 31 of Section 1, page 2 of the printed bill and insert in lieu thereof as follows: "shall have no other or further effect, except as herein provided."

Amendment adopted.

The following amendment was submitted by Mr. Drew:

Strike out the word "January" and insert "December," in line 2, page 1 of printed bill.

Amendment lost.

Bill read second time, and ordered to reprint and on file for third reading.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, November 20, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the following:

Senate Joint Resolution No. 1—Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAUGH, Assistant Secretary.

Mr. Transue moved the adoption of Senate Joint Resolution No. 1.
Motion duly seconded.

POINT OF ORDER.

Mr. Drew made the point of order that the resolution was not germane to the Executive call convening the Legislature in extraordinary session.

The Speaker ruled that the point of order was not well taken.

SENATE JOINT RESOLUTION No. 1.

Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

WHEREAS, The financial stringency now being experienced in the State of California, as well as in adjoining states, has worked great hardship upon those persons who annually contribute to a large amount of money for the performance of the annual labor upon mining claims as required by the provisions of Section 2324 of the Revised Statutes of the United States.

Resolved, therefore, by the Senate of the State of California and Assembly jointly, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of legislation by the Congress next to convene, suspending the operation for the years 1907 and 1908, of that portion of the Revised Statutes of the United States, Section 2324 thereof, requiring the expenditure annually of one hundred dollars in labor and improvements upon unpatented mining claims, similar legislation having been enacted by Congress in the years 1893 and 1894; be it therefore

Resolved, That the Secretary of the Senate be and is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

SPECIAL ORDER SET.

On motion of Mr. Davis, the consideration of Senate Joint Resolution No. 1 was made a special order for four o'clock P. M. of this day.

SUBSTITUTION OF BILLS.

Mr. Estudillo moved that Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated—be substituted on file for Assembly Bill No. 6, they being identical.

Also: That Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907—be substituted on file for Assembly Bill No. 7, they being identical.

Also: That Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer—be substituted for Assembly Bill No. 8, they being identical.

Motion carried.

URGENCY RESOLUTION.

The following resolution was offered by Mr. Estudillo:

Resolved, That Senate Bills No. 5, 6, 7, and 12 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

Mr. Estudillo moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutton, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—68.

NOES—None.

SECOND READING OF SENATE BILLS.

Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California, and other expenses

incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Bill read second time.

Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.

Bill read second time.

Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Bill read second time.

Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

Bill read second time.

MOTION.

Mr. Estudillo moved that the Assembly resolve itself into the Committee of the Whole, with the Speaker in the chair, for the purpose of considering Senate Bills Nos. 5, 6, 7, and 12.

Motion carried.

IN COMMITTEE OF THE WHOLE.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

Senate Bills Nos. 5, 6, 7, and 12 considered.

Mr. Estudillo moved that the committee do now rise and report in favor of the passage of the bills.

Motion carried.

IN ASSEMBLY.

Speaker Beardslee in the chair.

REPORT OF COMMITTEE OF THE WHOLE.

The following report of the Committee of the Whole was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

GENTLEMEN: The Committee of the Whole have had under consideration Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907.

Also: Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Also: Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 104, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

Also: Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

And do now report the same back, and recommend that they do pass.

BEARDSLEE, Chairman.

Bills ordered to third reading.

THIRD READING OF SENATE BILLS.

Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

Bill read third time.

Mr. McMullin moved to re-refer the bill to the San Francisco Delegation.

The roll was called, and the motion carried by the following vote:

AYES—Messrs. Barry, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Campbell, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—62.

NOES—Messrs. Butler, Case, Chandler, Drew, Finney, Hammon, Hewitt, Higgins, Johnson of San Diego, Lynch, and Spalding—11.

Senate Bill No. 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years in addition to such sums as have been heretofore appropriated.

Bill read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Senate Bill No. 12—An Act transferring money from the General Fund to the State Printing Fund, to defray the expenses of legislative printing for the extra session of the Thirty-seventh Legislature and directing the State Controller and State Treasurer to make such transfer.

Bill read third time.

The roll was called, and the bill finally passed by the following vote:

AYES—Messrs. Baxter, Bell, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten; Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—76.

NOES—Mr. Bishop—1.

Title read and approved.

Bill ordered transmitted to the Senate.

RECESS.

At twelve o'clock and six minutes P. M., on motion of Mr. Eshleman, the Assembly was declared at recess until three o'clock P. M.

REASSEMBLED.

At three o'clock P. M. the Assembly reconvened.

Speaker R. L. Beardslee in the chair.

THIRD READING OF SENATE BILLS—(RESUMED).

Senate Bill No. 7—An Act to amend section five of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

During the third reading of the bill Mr. Coghlan moved that a select committee of one be appointed to amend the bill as follows:

AMENDMENT No. 1.

Strike out the word "said" in line one, section one, page one of the printed bill, and insert in lieu thereof as follows: "An Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people,' approved March 21, 1907."

AMENDMENT No. 2.

Strike out the word "said" in line one, section two, page three of the printed bill, and insert in lieu thereof as follows: "An Act entitled 'An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors, and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for the submission of this Act to a vote of the people,' approved March 21, 1907."

Mr. Coghlan was appointed as such select committee.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your select committee of one, to whom was referred Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same—with instructions, does now report that the instructions of the Assembly have been carried out.

COGHLAN, Select Committee.

Report of select committee and amendments adopted.

Bill read third time, and ordered to reprint and on file for passage.

CORRECTION OF JOURNAL.

Mr. Johnson of Sacramento moved to correct the Journal of Thursday, November 21, 1907, by striking out of the fifth line from bottom of page 9 the word "Judiciary" and inserting in lieu thereof the word "to."

So ordered.

RESOLUTION—(OUT OF ORDER).

By unanimous consent, the following concurrent resolution was received and read:

By Mr. Estudillo:

Resolved by the Assembly, the Senate concurring, That the two houses of the Legislature adjourn *sine die* at twelve o'clock noon, on Saturday, November 23, 1907.

Resolution referred to Committee on Ways and Means.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee of San Francisco Delegation, to whom was referred Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General, under the direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June and July, 1907—have had the same under consideration, and respectfully report the same back without recommendation.

STROHL, Chairman.

FINAL PASSAGE OF BILL.

Senate Bill No. 5—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General under direction of the Governor, arising and growing out of the labor troubles and strikes in the City of San Francisco in the months of May, June, and July, 1907.

Bill read third time at a previous time to-day.

The roll was called, and Senate Bill No. 5 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Bell, Berry, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—66.

NOES—Messrs. Barry, Boyle, Cullen, Forbes, Kohlman, McKeon, McMullin, Smyth, Toomey, and Wilson—10.

Title read and approved.

Bill ordered transmitted to the Senate.

CALLED TO THE CHAIR.

At three o'clock and four minutes p. m., Speaker pro tem. J. P. Transue was called to the chair.

REPORTS OF STANDING COMMITTEES.

The following reports of standing committees were received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following bills correctly engrossed: Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays.

Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Assembly Bill No. 5—An Act to add a new section to the Political Code of the State of California to be known and numbered as Section 3900a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of the time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

HANS, Chairman.

The above reported bills were ordered on file for third reading.

ON WAYS AND MEANS.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Ways and Means, to whom was referred Assembly Concurrent Resolution No. 2—Relative to adjournment *sine die*—have had the same under consideration, and respectfully report the same back and recommend that it be adopted.

ESTUDILLO, Chairman.

Assembly Concurrent Resolution No. 2 ordered to print with a rush order.

URGENCY RESOLUTION.

The following resolution was offered by Mr. Johnson of Sacramento:

Resolved, That Assembly Bills Nos. 1, 2, 3, 4, and Committee Substitute for Senate Bill No. 11 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Resolution read.

Mr. Johnson of Sacramento moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Lynch, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Spalding, Stetson, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—64.

NOES—None.

THIRD READING OF URGENCY BILLS.

Assembly Bill No. 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read third time.

The roll was called, and Assembly Bill No. 1 passed by the following vote:

AYES—Messrs. Baxter, Beban, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Spalding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—66.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 3—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read third time.

The roll was called, and Assembly Bill No. 3 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hartmann, Held, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—67.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read third time.

The roll was called, and Assembly Bill No. 4 passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Hans, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spalding, Stanton, Stetson, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—63.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SPEAKER RESUMED THE CHAIR.

At three o'clock and thirty minutes P. M. the Speaker resumed the chair.

Committee Substitute for Senate Bill No. 11.—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith.

Bill read third time.

The roll was called, and Committee Substitute for Senate Bill No. 11 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Cogswell, Coghlan, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Eshleman, Estudillo, Finney, Forbes, Frattessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

NOES—Messrs. Chandler, Collister, Drew, Lemon, and Weske—5.

Title read and approved.

Bill ordered transmitted to the Senate.

Assembly Bill No. 2.—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.

SPECIAL ORDER SET.

On motion, the consideration of Assembly Bill No. 2 was made a special order for seven o'clock and thirty minutes P. M., of this day.

RESOLUTIONS DECLARED OUT OF ORDER.

Assembly Concurrent Resolution No. 1 and the resolution by Mr. Held, relative to appointing a committee to examine banks, coming up at this time, the Speaker ruled that they, not being germane to the Executive call, were out of order.

RESOLUTION.

The following resolution was offered:

By Mr. Smith:

WHEREAS, This nation has enjoyed an unprecedented era of prosperity; and WHEREAS, We believe the confidence reposed in our worthy President has in a large measure been responsible for this prosperity; and

WHEREAS, We believe the announcement by President Roosevelt that he was a candidate for re-election would be the means of bringing order out of the present unsettled conditions; be it therefore

Resolved, That the Thirty-seventh Session of the Assembly of the California State Legislature, assembled in extraordinary session, request President Roosevelt to reconsider his decision and become a candidate for re-election and that a copy of these resolutions be forwarded to the President.

Ordered printed in the Journal.

SPECIAL ORDER SET.

On motion of Mr. Coghlan, the consideration of Senate Bill No. 7 was made a special order for seven o'clock and thirty minutes P. M. of this day.

RECESS.

At four o'clock P. M. the Assembly was declared at recess until seven o'clock and thirty minutes P. M. of this day.

REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Assembly reconvened. Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

SPECIAL ORDER CONSIDERED.

The hour having arrived for the consideration of special orders, Senate Joint Resolution No. 1 was taken up and read.

SENATE JOINT RESOLUTION No. 1.

Relative to the passage of an Act by Congress suspending the provisions of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims.

WHEREAS, The financial stringency now being experienced in the State of California, as well as in adjoining states, has worked great hardship upon those persons who annually contribute to a large amount of money for the performance of the annual labor upon mining claims as required by the provisions of Section 2324 of the Revised Statutes of the United States.

Resolved, therefore, by the Senate of the State of California and Assembly jointly, That our Senators and Representatives in Congress be requested to use all honorable means to secure the passage of legislation by the Congress next to convene, suspending the operation, for the years 1907 and 1908, of that portion of the Revised Statutes of the United States, Section 2324 thereof, requiring the expenditure annually of one hundred dollars in labor and improvements upon unpatented mining claims, similar legislation having been enacted by Congress in the years 1893 and 1894; be it therefore

Resolved, That the Secretary of the Senate be and is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

CALLED TO THE CHAIR.

At eight o'clock and ten minutes P. M., Speaker pro tem. J. P. Transue was called to the chair.

The roll was called, and Senate Joint Resolution No. 1 refused adoption by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Boyle, Bush, Coghlan, Cullen, Finney, Fisher, Forbes, Hartmann, Hewitt, Johnson of Sacramento, Jury, Kelly, Leeds, Lucas, Ludington, McGuire, Pierce, Pyle, Root, Sackett, Snyder, Spalding, Stanton, Strohl, Thompson of Los Angeles, Toomey, Transue, and Vogel—32.

NOES—Messrs. Bell, Birdsall, Bishop, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cutton, Davis, Devlin, Drew, Eshleman, Fratessa, Hammon, Hans, Held, Higgins, John, Kohlman, Lemon, Lynch, McClellan, McConnell, McKeon, McMullin, O'Brien, Otis, Percival, Smith, Smythe, Stetson, Thompson of San Francisco, Walsh, Weske, Wessling, Whitmore, Wilson, and Wyatt—41.

SPECIAL ORDERS—(RESUMED).

Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appur-

tenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

The question being on the final passage of the bill.

The roll was called, and Senate Bill No. 7 finally passed by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Delvin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGE.

The following message from the Senate was taken up and read:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following: Committee Substitute for Senate Concurrent Resolution No. 2—Relative to the appointment of a committee to consist of three members of the Senate and three members of the Assembly for the purpose of investigating the business methods employed generally by the banks and banking houses of the State of California with a view to amending present banking and trust laws so as to afford better protection to the depositor and to the business world.

LEWIS A. HILBORN, Secretary of Senate.
By F. Cox, Assistant Secretary.

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION NO. 2.

Be it resolved, by the Senate of the State of California, the Assembly concurring, That a committee to consist of three Senators and three members of the Assembly be appointed by the President of the Senate, and the Speaker of the Assembly, respectively, for the purpose of securing such information as will enable such committee to make a full and comprehensive report as to the methods usually employed by persons, associations, or corporations, engaged in the banking business, or receiving money on deposit within the State of California, to the end that laws may be enacted by the Legislature of this State improving our banking methods and laws.

That said committee be and it is hereby empowered to administer oaths and issue all necessary subpoenas directed to persons residing in this State to appear before such committee at a time and place to be named therein, and such person so served, is required to appear and testify before such committee as to all matters and things which he may be examined upon, bearing upon the subject-matter of this resolution and such person shall be required to produce and submit to the inspection and examination by such committee of all books, papers and documents as may be in his possession or control.

That such committee shall have and is hereby given power and authority to incur all necessary expenses to enable it to perform the duties herein specified and that it make its report in writing to the Governor and the Legislature next to meet, and in such report make such recommendation and prepare such laws as will carry out the purpose contemplated by this resolution.

That the expenses to be incurred under authority of this resolution shall not exceed in the aggregate, the sum of five thousand dollars (\$5,000), and such amount shall be payable one half out of the contingent fund of the Assembly and one half

out of the contingent fund of the Senate. The State Controller shall draw his warrants upon such funds on the presentation of claims audited by the committee and filed by the chairman of said committee, and the State Treasurer shall pay the same.

Mr. Stanton moved that Committee Substitute for Senate Concurrent Resolution No. 2 be taken up for consideration.

Motion carried.

POINT OF ORDER.

Mr. John arose to the following point of order:

This Committee Substitute for Senate Concurrent Resolution No. 2 cannot properly be considered before this Assembly, for this reason: The Speaker this day ruled out of order two resolutions introduced in this Assembly, dealing with the same subject and identical in subject-matter with said Committee Substitute for Senate Concurrent Resolution No. 2. This ruling having been made, it prevents consideration of the Committee Substitute for Senate Concurrent Resolution No. 2. On this ground and on the ground that the resolution is not germane to the Governor's proclamation, I raise the point that the resolution is out of order.

The Speaker ruled the point of order not well taken.

Mr. Johnson of Sacramento moved to amend by striking out of printed resolution, on page 1, all of lines 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Bell, Bishop, Bush, Campbell, Case, Chandler, Cogswell, Costar, Davis, Devlin, Drew, Eshleman, Finney, Forbes, Fratessa, Held, John, Johnson of Sacramento, Ludington, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Sackett, Spalding, and Whitmore—29.

NOES—Messrs. Barry, Beban, Berry, Birdsall, Boyle, Butler, Coghlan, Collister, Cornish, Cullen, Cutten, Estudillo, Fisher, Hammon, Hans, Hartmann, Hewitt, Higgins, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Lynch, McGuire, O'Brien, Pierce, Root, Smyth, Snyder, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wilson, Wyatt, and Mr. Speaker—45.

The question recurring on the adoption of the concurrent resolution.

The roll was called, and Senate Concurrent Resolution No. 2 finally adopted by the following vote:

AYES—Messrs. Barry, Beban, Beckett, Berry, Boyle, Coghlan, Cullen, Cutten, Fisher, Fratessa, Hammon, Hans, Hartmann, Hewitt, Higgins, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, McGuire, O'Brien, Pierce, Root, Sackett, Snyder, Stanton, Stetson, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Wilson, Wyatt, and Mr. Speaker—41.

NOES—Messrs. Bell, Birdsall, Bishop, Bush, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Held, John, Johnson of Sacramento, Ludington, Lynch, McClellan, McConnell, McKeon, McMullin, Otis, Percival, Pyle, Smith, Smyth, Spalding, Strobridge, and Whitmore—38.

Senate Concurrent Resolution No. 2 ordered transmitted to the Senate.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day concurred in Assembly Amendments Nos. 1, 2, 3, 4, 6, 7, and 8, and refused to concur in Assembly Amendment No. 5, to Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith—and respectfully request your honorable body to recede from said Amendment No. 5.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Mr. Thompson of Los Angeles moved that the Assembly refuse to

recede from Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11.

The question being put, "Shall the Assembly refuse to recede from Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11?"

The roll was called, and the Assembly refused to recede by the following vote:

AYES—Messrs. Barry, Beban, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Snyder, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Whitmore, and Wyatt—60.

NOES—None.

APPOINTMENT OF COMMITTEE ON CONFERENCE.

The Speaker appointed Messrs. Bishop, Otis, and Thompson of Los Angeles, as a Committee on Conference to meet a like committee from the Senate, for the purpose of considering Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day passed the following, as cases of urgency:

Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Also: Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Also: Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. KAVANAGH, Assistant Secretary.

URGENCY RESOLUTION.

The following resolution was offered by Mr. Hewitt:

Resolved, That Committee Substitutes for Senate Bills Nos. 4, 8, 9, and 10 present a case of urgency, as that term is used in Section 15 of Article IV of the Constitution, and the provision of that section requiring that the bills shall be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the first, second, and third times, and placed upon their passage.

Mr. Hewitt moved that the resolution be adopted.

The roll was called, and resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Berry, Birdsall, Boyle, Bush, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Stetson, Strohl, Strobridge, Thompson of San Francisco, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—57.

NOES—None.

CONSIDERATION OF SENATE BILLS.

Committee Substitute for Senate Bill No. 4—An Act to amend Section 7 of the Civil Code, relating to holidays.

Bill read second time.

Bill read third time.

The roll was called, and Committee Substitute for Senate Bill No. 4 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, O'Brien, Otis, Percival, Pierce, Pyle, Sackett, Smith, Snyder, Spalding, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—69.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 8—An Act to amend Section 10 of the Political Code, relating to holidays.

Bill read second time.

Bill read third time.

The roll was called, and Committee Substitute for Senate Bill No. 8 finally passed by the following vote:

AYES—Messrs. Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Devlin, Eshleman, Estudillo, Fisher, Hans, Hartmann, Johnson of Sacramento, Johnson of San Diego, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Wessling, Whitmore, Wyatt, and Mr. Speaker—53.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

Committee Substitute for Senate Bill No. 9—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.

Bill read second time.

Bill read third time.

The roll was called, and Committee Substitute for Senate Bill No. 9 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Devlin, Drew, Eshleman, Estudillo, Fisher, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Weske, Wessling, Whitmore, Wilson, and Wyatt—62.

NOES—None.

Title read and approved.

Bill ordered transmitted to the Senate.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day appointed, as a conference committee of three, Senators Leavitt, Hartman, and Wright, to meet your Committee on Conference in regard to Assembly Amendment No. 5, Committee Substitute for Senate Bill No. 11.

LEWIS A. HILBORN, Secretary of Senate.

REPORT OF COMMITTEE ON CONFERENCE.

The following report of Committee on Conference was received and read:

ON CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Conference concerning Committee Substitute

for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be numbered Section 3757, relating to the extension of the time for payment of taxes and the postponement of the delinquency of taxes for non-payment, and postponement of the duties of all persons and public officers in connection therewith—report that we have met a like committee of the Senate, consisting of Senators Leavitt, Hartman, and Wright, and that we have been unable to agree, and ask that a Committee on Free Conference be appointed.

BISHOP,

Chairman of Committee on Conference of the Assembly.

Mr. Bishop moved that the report be adopted.

Motion carried.

SENATE MESSAGES—(RESUMED).

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body that the Senate adopted the report of their Conference Committee on Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11, and have appointed, as Committee on Free Conference, Senators Wright, Leavitt, and Hartman, and respectfully request your honorable body to appoint a like Committee on Free Conference to meet with the Senate committee.

LEWIS A. HILBORN, Secretary of Senate.

APPOINTMENT OF COMMITTEE ON FREE CONFERENCE.

The Speaker appointed Messrs. Bishop, Otis, and Thompson of Los Angeles as a Committee on Free Conference to meet a like committee from the Senate to consider Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11.

CONSIDERATION OF SENATE BILLS—(RESUMED).

Committee Substitute for Senate Bill No. 10—An Act to amend Section 135 of the Code of Civil Procedure, relating to the transaction of judicial business on holidays and special holidays.

During the second reading of the bill, Mr. Stetson moved to amend as follows:

By adding to Section 1 of printed bill, the words: "When any action, civil or criminal, or any special proceeding or probate matter has been continued by the operation of holidays for a continuous period of not less than three days, the court shall have power in its discretion to further continue the trial or hearing of the same not to exceed thirty days in all in addition to such continuances as may now be permitted by law."

Amendment lost.

Bill read second time.

Bill read third time.

The roll was called, and Committee Substitute for Senate Bill No. 10 finally passed by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bishop, Boyle, Bush, Butler, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Devlin, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McGuire, O'Brien, Otis, Pierce, Pyle, Root, Snyder, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—51.

NOES—Messrs. Birdsall, Campbell, Case, Davis, Drew, Eshleman, McClellan, McKeon, McMullin, Percival, Smith, and Weske—12.

Title read and approved.

Bill ordered transmitted to the Senate.

CONSIDERATION OF CONCURRENT RESOLUTION.

On motion of Mr. Estudillo, Assembly Concurrent Resolution No. 2 was taken up for consideration:

ASSEMBLY CONCURRENT RESOLUTION No. 2.

Relative to adjournment *sine die*.

Resolved by the Assembly, the Senate concurring, That the two houses of the Legislature adjourn *sine die* at twelve o'clock noon, on Saturday, November 23, 1907.

Resolution read.

The roll was called, and Assembly Concurrent Resolution No. 2 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Forbes, Hammon, Hans, Hartmann, Held, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Smith, Snyder, Stanton, Strohl, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—None.

Assembly Concurrent Resolution No. 2 ordered transmitted to the Senate.

REPORT OF SELECT COMMITTEE.

The following report of select committee was received and read:

ON FREE CONFERENCE.

ASSEMBLY CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: Your Committee on Free Conference, to whom was referred Committee Substitute for Senate Bill No. 11, have met a like committee from the Senate, composed of Senators Leavitt, Hartman, and Wright, and have had the same under consideration and beg leave to report as follows: That in lieu of Amendment No. 5, as offered by the Assembly to Committee Substitute for Senate Bill No. 11, your committee recommend that the Senate and Assembly adopt the following: On line 23, after the word "the," insert the following: "Collection of the first installment of said taxes and the fifteen per cent penalty for delinquency thereof," in lieu of the following: "matters herein enumerated and imposed by law."

BISHOP,

OTIS,

THOMPSON of Los Angeles,
Committee on Free Conference.

Mr. Bishop moved that the report be adopted.

The roll was called, and the report adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Hammon, Hans, Hartmann, Hewitt, John, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Snyder, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—54.

NOES—Messrs. Cornish, Finney, and Johnson of Sacramento—3.

RESOLUTIONS.

The following resolutions were received and read:

By Mr. Eshleman:

Resolved, by the Assembly of the State of California, That the Honorable Members of Congress from California be petitioned to oppose any bills introduced into the Congress of the United States, looking to the suspension of the operation, during the years 1907 and 1908, of Section 2324 of the Revised Statutes of the United States, relative to annual work on mining claims; and be it further

Resolved, That the Chief Clerk of this Assembly be and he is hereby directed to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. Eshleman moved that the resolution be adopted.

Motion carried.

By Mr. Coghlan:

Resolved, That for and by reason of services rendered the Assembly as an Assistant Clerk, at the desk, at the request of the Chief Clerk, by Ed. J. Smith from November 19, 1907, to November 22, 1907, both days inclusive, said Ed. J. Smith is hereby allowed the same per diem therefor for said services as is paid the other Assistant Clerks at the desk under the Chief Clerk, said per diem being payable out of the appropriation for the contingent expenses of the Assembly. The State Controller is hereby authorized and directed to draw his warrant therefor, and the State Treasurer is hereby directed to pay the same out of the appropriation for the contingent expenses of the Assembly. Be it further

Resolved, That the said Ed. J. Smith is hereby appointed as an Assistant Clerk at the desk under the Chief Clerk, at the same per diem as is paid the other Assistant Clerks at the desk under the Chief Clerk, said per diem being payable out of the appropriation for the contingent expenses of the Assembly.

Mr. Coghlan moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Beban, Beckett, Bell, Bishop, Boyle, Bush, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartman, Held, Hewitt, John, Johnson of Sacramento, Jury, Kelly, Kohlman, Leeds, Lemon, Ludington, Lynch, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Snyder, Stanton, Strohl, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Weske, Whitmore, Wilson, Wyatt, and Mr. Speaker—59.

NOES—None.

SENATE MESSAGES—(RESUMED).

The following Senate messages were received and read:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day concurred in Assembly amendments to Senate Bill No. 7—An Act to amend Section 5 of the Act entitled "An Act to provide for the issuance and sale of State bonds to create a fund for the acquisition by the Board of State Harbor Commissioners of a necessary area for a tidal basin for wharves, piers, harbors and appurtenances in the City and County of San Francisco; to create a sinking fund for the payment of said bonds; and defining the duties of State officers in relation thereto; making an appropriation of one thousand dollars for the expense of printing said bonds; and providing for a submission of this Act to a vote of the people," approved March 21, 1907, relating to the redemption of such bonds and creating a sinking fund for such purpose, and adding a new section to said Act, to be numbered Section 10½, relating to the publication of said Act, and providing for the payment of the cost of publication of the same.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted the report of the Committee on Free Conference on Assembly Amendment No. 5 to Committee Substitute for Senate Bill No. 11—An Act to add a new section to the Political Code of the State of California, to be known and numbered as Section 3757a, relating to the postponing of the collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of entry of penalty for such delinquency, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, November 22, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted Assembly Concurrent Resolution No. 2—Relative to adjournment sine die.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

ADJOURNMENT.

At eleven o'clock and forty minutes P. M., on motion of Mr. Johnson of Sacramento, the Speaker declared the Assembly adjourned until ten o'clock A. M. of Saturday, November 23, 1907.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Saturday, November 23, 1907.

At ten o'clock A. M., pursuant to adjournment, the Assembly was called to order.

Hon. R. L. Beardslee, Speaker of the Assembly, in the chair.

The roll was called, and the following members answered to their names:

Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—74.

Quorum present.

PRAYER.

Prayer was offered by the Chaplain, Rev. W. F. Reagor.

READING OF THE JOURNAL.

During the reading of the Journal, its further reading was dispensed with, on motion of Mr. Thompson of San Francisco.

RESOLUTIONS.

The following resolutions were offered:

By Mr. Estudillo:

Resolved, That the sum of one hundred and fifty dollars is hereby appropriated from the Contingent Fund of the Assembly for the purpose of storing furniture, and taking up carpet and canvas belonging to the Assembly. The Controller is hereby authorized and directed to draw his warrant in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, for the above amount (one hundred and fifty dollars), and the Treasurer is hereby authorized and directed to pay the same.

Resolution read.

Mr. Estudillo moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Strohl, Strobridge, Thompson of

San Francisco, Thompson of Los Angeles, Toomey, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—60.

NOES—None.

By Mr. Lynch:

Resolved, That the Controller be and he is hereby authorized to draw his warrant on the Contingent Fund of the Assembly, and the State Treasurer is hereby authorized and directed to pay the same, for the sum of forty-two dollars and six cents, in favor of J. T. Stafford, Sergeant-at-Arms of the Assembly, same being for the payment of the following bills attached:

F. R. Pulford.....	\$19 55
Kane & Trainor.....	9 00
The Pacific Telegraph and Telephone Co.....	5 16
R. A. Sollars.....	5 00
H. E. Sleeper & Co.....	3 35
Total	\$42 06

Resolution read.

Mr. Lynch moved that the resolution be adopted.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Birdsall, Bishop, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Vogel, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—61.

NOES—None.

RESOLUTION CALLED UP.

On motion of Mr. Smith, the following resolution was taken up for consideration:

WHEREAS, This nation has enjoyed an unprecedented era of prosperity; and WHEREAS, We believe the confidence reposed in our worthy President has in a large measure been responsible for this prosperity; and

WHEREAS, We believe the announcement by President Roosevelt that he was a candidate for re-election would be the means of bringing order out of the present unsettled conditions; be it therefore

Resolved, That the Thirty-seventh Session of the Assembly of the California State Legislature, assembled in extraordinary session, request President Roosevelt to reconsider his decision and become a candidate for re-election, and that a copy of these resolutions be forwarded to the President.

POINT OF ORDER.

Mr. Johnson of Sacramento arose to the following point of order: That the resolution is not germane to the Executive call convening the Legislature in Extraordinary session, and therefore can not be considered.

The Speaker ruled that the point of order was well taken.

RESOLUTIONS—(RESUMED).

The following resolutions were offered:

By Mr. Transue:

Resolved, That Clio Lloyd, the Chief Clerk of the Assembly, be and he is hereby authorized and directed to compile, prepare, and have printed a final calendar of the legislative business of the Thirty-seventh Assembly, extra session, comprising the history of all bills introduced, their authors, the number that have become laws, those that have been read on second readings, and all other information that will create a perfect guide and history to the session's business; together with this shall be a tabulation of the expense of the Assembly, and of printing, such information being prepared not only for the book, but as a guide for the Thirty-eighth Legislature. For the purpose of carrying on this work, and for preparing and having the official final Journals of the session prepared, signed by the officers of the Assembly after adjourn-

ment, and delivering the same to the State Printer to be bound, a copy to be mailed to each member, the Controller is hereby directed to draw his warrant on the proper fund for the sum of \$200.00 in favor of Clio Lloyd, and the Treasurer is directed to pay the same.

Resolution read.

Mr. Transue moved the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Berry, Birdsall, Boyle, Campbell, Case, Chandler, Cogswell, Collister, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wyatt, and Mr. Speaker—59.
NOES—None.

By Mr. Drew:

Resolved, That a committee of three be appointed by the Speaker to wait upon the Senate and inform that body that the Assembly is ready to adjourn, and ask if the Senate has any further communication to make to the Assembly.

Resolution read, and on motion adopted.

SENATE COMMITTEE APPEARS.

A committee from the Senate consisting of Senators Black, Caminetti and Markey appeared before the bar of the Assembly and reported that the Senate had concluded its labors, was ready to adjourn, and awaited the pleasure of the Assembly.

SPEAKER'S REPLY.

The Speaker informed the committee that the Assembly would communicate with the Senate through a like committee.

RESOLUTIONS—(RESUMED).

By Mr. Berry:

Resolved, That each member of the Assembly be and he hereby is allowed twenty-five (25) dollars for contingent expenses provided by the Constitution, and the same be payable out of the appropriation for contingent expenses of the Assembly. The Controller is hereby directed to draw his warrant for the same and the Treasurer is hereby directed to pay the same.

Mr. Berry moved that the resolution be adopted.

The roll was called, and the resolution refused adoption by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Berry, Boyle, Butler, Campbell, Coghlan, Collister, Cornish, Cullen, Fratessa, Hartmann, Johnson of Sacramento, Jury, Kelly, Kohlman, McMullin, Smith, Snyder, Toomey, Wessling, Wilson, and Wyatt—25.

NOES—Messrs. Birdsall, Bishop, Case, Chandler, Cogswell, Costar, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Forbes, Hammon, Held, Hewitt, John, Johnson of San Diego, Leeds, Lemon, Lucas, Ludington Lynch, McClellan, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Whitmore, and Mr. Speaker—48.

APPOINTMENT OF COMMITTEE.

The Speaker made the following announcement:

COMMITTEE SUBSTITUTE FOR SENATE CONCURRENT RESOLUTION No. 2.

Be it resolved by the Senate of the State of California, the Assembly concurring, That a committee to consist of three Senators and three members of the Assembly be appointed by the President of the Senate, and the Speaker of the Assembly,

respectively, for the purpose of securing such information as will enable such committee to make a full and comprehensive report as to the methods usually employed by persons, associations, or corporations, engaged in the banking business, or receiving money on deposit within the State of California, to the end that laws may be enacted by the Legislature of this State improving our banking methods and laws.

That said committee be and it is hereby empowered to administer oaths and issue all necessary subpoenas directed to persons residing in this State to appear before such committee at a time and place to be named therein, and such person so served, is required to appear and testify before such committee as to all matters and things which he may be examined upon, bearing upon the subject-matter of this resolution and such person shall be required to produce and submit to the inspection and examination by such committee of all books, papers and documents as may be in his possession or control.

That such committee shall have and is hereby given power and authority to incur all necessary expenses to enable it to perform the duties herein specified and that it make its report in writing to the Governor and the Legislature next to meet, and in such report make such recommendation and prepare such laws as will carry out the purpose contemplated by this resolution.

That the expenses to be incurred under authority of this resolution shall not exceed in the aggregate, the sum of five thousand dollars (\$5,000), and such amount shall be payable one half out of the contingent fund of the Assembly and one half out of the contingent fund of the Senate. The State Controller shall draw his warrants upon such funds on the presentation of claims audited by the committee and filed by the chairman of said committee, and the State Treasurer shall pay the same.

In conformity with the directions of the foregoing concurrent resolution, I appoint the following three members of the Assembly to act upon the committee therein mentioned, to wit: Messrs. Stanton, Fisher, and Cutten.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker announced the appointment of Messrs. Drew, Forbes, and Birdsall as a committee to wait upon the Senate and notify that body that the Assembly had concluded its labors and was ready to adjourn.

RESOLUTIONS—(RESUMED).

By Mr. Pierce:

Resolved, That the Speaker appoint a committee of three to wait upon His Excellency, James N. Gillett, and inform him that the Assembly is ready to adjourn, and awaits his further pleasure.

Resolution read, and on motion adopted.

APPOINTMENT OF SELECT COMMITTEE.

In accordance with the above resolution, the Speaker appointed Messrs. Pierce, Devlin, and Davis as such committee.

RESOLUTIONS—(RESUMED).

By Mr. Thompson of Los Angeles:

Resolved, That the thanks of this Assembly be tendered to our Speaker and Speaker pro tem., to our Chaplain, to the Chief Clerk and his assistants, to the Sergeant-at-Arms and his assistants, and to the other attachés of the Assembly for their prompt, faithful, and efficient services during this special session.

Resolution read, and on motion adopted.

APPROVAL OF JOURNALS.

On motion of Mr. Transue, the Journals of Tuesday, November 19, Wednesday, November 20, Thursday, November 21, and Friday, November 22, 1907, were approved as corrected by the Minute Clerk.

REPORT OF SELECT COMMITTEES.

The committee to wait upon the Senate appeared before the bar of the Assembly and reported that they had delivered their message to the Senate and that the Senate had no further communication to make to the Assembly.

The committee to wait on the Governor appeared before the bar of the Assembly and reported that they had delivered the Assembly's message to the Governor, and that the Governor congratulated the Assembly upon the work it had done and wished to convey through this committee his best wishes for the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that the following has been correctly enrolled:

Assembly Concurrent Resolution No. 2—Relative to adjournment *sine die*.

And was presented to the Governor at eleven o'clock and fifty-five minutes A. M.

HANS, Chairman.

READING AND APPROVAL OF MINUTES.

The minutes of Saturday, November 23, 1907, were read and, on motion of Mr. Transue, approved.

ADJOURNMENT.

At twelve o'clock M., of Saturday, November 23, 1907, the Hon. R. L. Beardslee, Speaker of the Assembly, announced that the time for final adjournment of the extra session of the Thirty-seventh Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

R. L. BEARDSLEE,
Speaker of the Assembly.

J. P. TRANSUE,
Speaker pro tem. of the Assembly.

CLIO LLOYD,
Chief Clerk of the Assembly.

H. A. HARPER,
Minute Clerk of the Assembly.

R. L. DEMPSEY,
Journal Clerk of the Assembly.

CALIFORNIA LEGISLATURE—ASSEMBLY.

THIRTY-SEVENTH (SECOND EXTRA) SESSION.

IN ASSEMBLY.

ASSEMBLY CHAMBER,

Saturday, November 23, 1907.

The Assembly met at one o'clock P. M., in pursuance to the proclamation of His Excellency, James N. Gillett, Governor of the State of California, dated the twenty-third day of November, 1907.

Hon. Robert L. Beardslee, Assemblyman from the Twenty-third District, and Speaker of the Assembly, in the chair.

ANNOUNCEMENT.

Hon. Clio Lloyd, Chief Clerk, announced that in pursuance to the requirements of the Political Code, Section 237, the following officers of the Assembly of the Thirty-seventh (extra) session of the Legislature were present and in their respective positions: Clio Lloyd, Chief Clerk; H. A. Harper, Minute Clerk; and John T. Stafford, Sergeant-at-Arms.

The Speaker thereupon directed the Chief Clerk to call the roll of Assemblymen.

The roll was called, and the following members of the Assembly answered to their names:

Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Campbell, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Costar, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Kohlman, Leeds, Lemon, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Smyth, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—79.

PRAYER.

The opening prayer was offered by Rev. W. F. Reagor of Sacramento, California.

READING OF GOVERNOR'S PROCLAMATION.

The Speaker directed the Chief Clerk to read the Governor's proclamation.

The following was read:

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE
IN EXTRAORDINARY SESSION.

STATE OF CALIFORNIA, }
EXECUTIVE DEPARTMENT. }

WHEREAS, An extraordinary occasion having arisen and now existing, requiring the Legislature of the State of California to convene:

NOW, THEREFORE, I, James N. Gillett, Governor of the State of California, by virtue of the power and authority in me vested by section nine, article five of the Constitution of the State of California, do hereby convene the Legislature to meet and assemble in extraordinary session at Sacramento, California, Saturday, November twenty-third, nineteen hundred and seven, at one o'clock P. M., for the purpose of taking legislative action upon the following subject, to wit:

To approve proposed amendments to the Charter of the City and County of San Francisco, State of California, as follows:

Charter Amendment No. 2, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23, relating to the recall of elected officers."

Charter Amendment No. 3, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 5, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County and bonds to be given in connection with the same, and the character, terms and conditions of such contracts, and permitting progressive payments to be provided for thereon upon certain terms and conditions."

Charter Amendment No. 6, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 9, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes; and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9" relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos. 1 to 19 inclusive of Chapter III of Article VI of said Charter and by adding new sections to said Chapter of said Article of said Charter, to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 11 of Section 1, of Chapter III of Article VII thereof, relating to the leasing of real property of the school department."

Charter Amendment No. 15, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II of Article II thereof, relating to the powers of the Supervisors of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 17, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 14, of Section 1, of Chapter II of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled "Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new Article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a playground commission."

Charter Amendment No. 19, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 21, entitled "Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employees of the Department of Electricity."

The same having been ratified by a majority of the qualified electors of the City and County of San Francisco, at a general election held therein on Tuesday, November 5, 1907.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed hereunto the Great Seal of the State of California at my office in the State Capitol, at Sacramento, this twenty-third day of November, in the year of our Lord the one thousand nine hundred and seventh, and of the admission of the State of California the fifty-seventh.

J. N. GILLET,
 Governor of the State of California.

[SEAL]

ATTEST:

C. F. CURRY,
 Secretary of State.

RESOLUTION.

The following resolution was offered:

By Mr. John:

Resolved, That the following persons be and they are hereby elected as officers of the Assembly, with per diem as fixed by statute:

Hon. Robert L. Beardslee, Speaker.
Hon. J. P. Transue, Speaker pro tem.
Clio Lloyd, Chief Clerk.
T. G. Walker, Assistant Clerk.
W. H. Wright, Assistant Clerk.
H. E. Miller, Assistant Clerk.
H. A. Harper, Minute Clerk.
John T. Stafford, Sergeant-at-Arms.
R. L. Dempsey, Journal Clerk.
R. J. Kenefick, Enrolling and Engrossing Clerk.
W. F. Reagor, Chaplain.

Also: E. J. Smith, Assistant Clerk.
Ralph A. Sollars, Stenographer.
Mark Senna, Messenger to Printer.
William Sitton, Messenger to Printer.
Robina Alexander, Assistant Enrolling and Engrossing Clerk.
C. W. Haub, Bookkeeper to Sergeant-at-Arms.
F. Hilderbrand, Watchman.
W. Greenlaw, Porter.
J. McNiff, Watchman.
W. J. Gribbin, Porter.

G. Hilbert, Watchman.
 H. Smith, Porter.
 F. C. Trainor, Watchman.
 A. J. Cottle, Watchman.
 P. Stortz, Porter.
 O. J. Pierce, Watchman.
 J. Brightman, Watchman.
 H. Dunn, Messenger.
 Geo. Avery, Watchman.
 R. Herndon, Watchman.
 C. Schenk, Porter.
 J. Hauser, Porter.
 J. Kofod, Porter.
 J. T. Kelley, Porter.
 H. E. Wenke, Porter.
 D. Delano, Porter.
 M. Coffield, Postmistress.
 B. Haggerty, Page.
 L. Williams, Page.
 D. Sprague, Page.
 Ed. Fitzgerald, Page.
 J. Hanna, Page.
 F. Branch, Page.

Also: The following named persons are hereby employed in the position and at the per diem set opposite their names respectively:

F. L. Bradshaw, Mail Carrier, at \$3 per diem.
 Ed. Hammond, Hat Room Attendant, at \$3 per diem.
 F. Madeley, Hat Room Attendant, at \$3 per diem.

And be it further resolved, That the Controller of State be and he is hereby directed to draw his warrants in favor of the above mentioned persons, and the State Treasurer is hereby directed to pay such warrants for and at the fixed per diem.

Resolved, That all officers, attachés, and employés, whose names do not appear on the above report or in the foregoing resolution, are hereby dismissed and their names stricken from the payroll.

Resolution read.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Case, Chandler, Cogswell, Collister, Cornish, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kelly, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Strohl, Strobbridge, Thompson of Los Angeles, Toomey, Transue, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—65.

NOES—None.

Whereupon, the Speaker declared the above named duly elected officers of the Assembly for the second extra session of the Thirty-seventh Legislature.

OATH OF OFFICE.

The afore-named officers (elect) of the Assembly, excepting the Chaplain, presented themselves at the bar of the Assembly and each took and subscribed to the following oath of office:

I do solemnly swear that I will support the Constitution of the United States of America, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office to which I have been elected, according to the best of my ability.

RESOLUTIONS—(RESUMED).

By Mr. Leeds:

Resolved, That until further order the Standing Rules of this Assembly at its last regular session be and the same are hereby adopted as the rules of this session, and the committees appointed at the last regular session shall remain as the committees of this special session, provided that all vacancies shall be filled by appointment by the Speaker.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Berry, Birdsall, Boyle, Bush, Butler, Campbell, Chandler, Coghlan, Collister, Cornish, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Jury, Kohlman, Leeds, Lucas, Lynch, McConnell, McGuire, McKeon, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobbridge, Thompson of San Francisco, Thompson of Los Angeles, Transue, Walsh, Weake, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—60.

NOES—Messrs. Bell, Case, Forbes, and Johnson of Sacramento—4.

By Mr. Hartmann:

Resolved, That a select committee of three be appointed by the Speaker to act with a like committee from the Senate, to wait upon the Governor and inform him that the two houses of the Legislature are in session, and in readiness to receive any communication which he may have to make.

Resolution read, and on motion adopted.

The Speaker announced that in conformity with the above resolution he appointed Messrs. Hartmann, Held, and Bishop as such committee.

By Mr. Stanton:

Resolved, That the Chief Clerk be and he is hereby instructed to inform the Senate that the Assembly is in session, pursuant to the proclamation of His Excellency, the Governor, dated Saturday, November 23, 1907, and ready for the transaction of legislative business, with the following officers, to wit:

Speaker—R. L. Beardslee.

Speaker pro tem.—J. P. Transue.

Chief Clerk—Clio Lloyd.

Sergeant-at-Arms—John T. Stafford.

Assistant Clerks—T. G. Walker, W. H. Wright, H. E. Miller.

Journal Clerk—R. L. Dempsey.

Minute Clerk—H. A. Harper.

Chaplain—W. F. Reagor.

Resolution read, and on motion adopted.

SENATE MESSAGES.

The following messages from the Senate were taken up and read, unanimous consent having been obtained for their consideration:

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted the following resolution:

Resolved, That the Secretary of the Senate is hereby directed to notify the Assembly that the Senate is now duly organized, with the following officers, and ready to proceed to the business of the State:

President pro tem.—Edward I. Wolfe.

Secretary of the Senate—Lewis A. Hilborn.

Sergeant-at-Arms—J. Louis Martin.

Minute Clerk—G. Ray Horton.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Also:

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted the following:

Senate Concurrent Resolution No. 1—Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

LEWIS A. HILBORN, Secretary of Senate.
By J. W. KAVANAGH, Assistant Secretary.

Senate Concurrent Resolution No. 1 referred to San Francisco Delegation.

RESOLUTIONS—(RESUMED).

The following resolution was offered:

By Mr. Transue:

Resolved, That H. A. Harper, Minute Clerk of the Assembly, be and he is hereby directed to remain after the adjournment of this second extra session of the Assembly for the purpose of completing the work of the second extra session of the thirty-seventh Assembly, and that he be allowed the sum of eighteen dollars in payment of said services, and the Controller is hereby directed to draw his warrant in favor of said H. A. Harper on the proper fund for said amount of eighteen dollars, and the State Treasurer is hereby directed to pay the same.

Resolution read.

The question being on the adoption of the resolution.

The roll was called, and the resolution adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McConnell, McGuire, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of Los Angeles, Transue, Vogel, Walsh, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—67.

NOES—Mr. Beban—1.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

SAN FRANCISCO DELEGATION.

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: The San Francisco Delegation, to whom was referred Senate Concurrent Resolution No. 1—Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907—have had the same under consideration, and respectfully report the same back, and recommend that it be adopted.

STROHL, Chairman.

CONSIDERATION OF CONCURRENT RESOLUTION.

Mr. Strohl moved that Senate Concurrent Resolution No. 1 be forthwith taken up for consideration.

Motion carried.

SENATE CONCURRENT RESOLUTION No. 1.

Approving sixteen certain amendments to the Charter of the City and County of San Francisco, State of California, voted for and ratified by the electors of said City and County of San Francisco, at a general municipal election held therein on the fifth day of November, 1907.

WHEREAS, The City and County of San Francisco, State of California, contains a population of over three hundred and forty thousand inhabitants, and has been ever since the eighth day of January in the year one thousand nine hundred, and is now organized and acting under a Freeholders' Charter, adopted under and by virtue of Section eight of Article eleven of the Constitution of the State of California, which Charter was duly ratified by the qualified electors of said City and County at an election held for that purpose on the twenty-sixth day of May, one thousand eight hundred and ninety-eight, and approved by the Legislature of the State of California on the twenty-sixth day of January, one thousand eight hundred and ninety-nine (Statutes of 1899, page 241), and which Charter was not amended within an interval of two years immediately prior to the Fifth day of November, one thousand nine hundred and seven; and

WHEREAS, The legislative authority of said City and County, namely the Board of Supervisors thereof, duly proposed to the qualified electors of the City and County of San Francisco, twenty-one certain amendments to the Charter of said City and County of San Francisco by the submission of twenty-one proposals, entitled, as follows, to wit:

Charter Amendment No. 1, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California,

to amend the Charter of said City and County by amending Sections 10 and 12 of Article XII, and Section 29 of Article XVI thereof, relating to bonds issued for the acquisition of public utilities and the character of such bonds, the registration thereof, and the levy of taxes to provide for the interest thereon and a sinking fund therefor, and to bonds issued for the acquisition of land or lands and the construction or acquisition of any permanent building or buildings, improvement or improvements, and the character and registration of such bonds and the proceedings for the issuance thereof."

Charter Amendment No. 2, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 1 of Article II thereof a new section to be numbered 23; relating to the recall of elected officers."

Charter Amendment No. 3, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 12 of Chapter 1 of Article III thereof, relating to the apportionment of the income and revenue of the several funds and a provision for income to pay interest on the bonded indebtedness and provide for the sinking funds."

Charter Amendment No. 4, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article IV thereof, relating to the custody by the Treasurer of public funds and authorizing their deposit in certain banks upon certain terms and conditions."

Charter Amendment No. 5, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 21 of Chapter 1 of Article VI thereof, relating to contracts entered into by the Board of Public Works of the City and County, and bonds to be given in connection with the same, and the character, terms and conditions of such contracts and permitting progressive payments to be provided for thereon, upon certain terms and conditions."

Charter Amendment No. 6, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Article V thereof, relating to the bonds of officers of the City and County."

Charter Amendment No. 7, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 8 of Chapter 1 of Article III thereof, relating to the appropriation by the Supervisors of said City and County for urgent necessities not otherwise provided for by law."

Charter Amendment No. 8, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Chapters 8, 4 and 3 of Article IX thereof, relative to the composition of the personnel of the companies of the Fire Department and the salaries and vacations of the members thereof."

Charter Amendment No. 9, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding three new sections thereto, to be known as Sections 14, 15 and 16 of Article XII thereof, relating to the power of the City and County to acquire, operate, maintain, sell or lease public utilities; relating to the acquisition of lands for water purposes; and relating to the disposition of the rents received from public utilities and the keeping of accounts relative to such public utilities."

Charter Amendment No. 10, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by adding to Chapter 2, Article II thereof, a new section to be known and numbered as Section "9," relating to the sale of lands by the City and County."

Charter Amendment No. 11, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Section 20, Chapter III, Article VI of said Charter, and by adding a new Chapter to said Article of said Charter, to be known and designated as Chapter 6 thereof, all relating to the change or modification of street grades and the performance of street work in connection therewith."

Charter Amendment No. 12, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by repealing Sections Nos. 1 to 19 inclusive of Chapter III of Article VI of said Charter, and by adding new sections to said Chapter of said Article of said Charter to be known and designated as Sections 1 to 19 inclusive thereof, all relating to the opening, extending, widening, straightening or closing up of streets and the performance of street work in connection therewith, and the condemnation and acquisition of land and property necessary therefor."

Charter Amendment No. 13, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of Cali-

fornia, to amend the Charter of said City and County by amending Section 5 of Article 1 thereof, relating to the liability for damages of said City and County and its officials."

Charter Amendment No. 14, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 11 of Section 1 of Chapter III of Article VII thereof, relating to the leasing of real property of the School Department."

Charter Amendment No. 15, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 3 of Section 1, of Chapter II of Article II thereof, relating to the powers of the Supervisors of said City and County to grant permits for spur or side tracks and running cars thereon on any public street or portion thereof within said City and County."

Charter Amendment No. 16, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 2 of Chapter III of Article II thereof, relating to official advertising."

Charter Amendment No. 17, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Subdivision 14, of Section 1, of Chapter II, of Article II thereof, relating to the regulation of telephone charges."

Charter Amendment No. 18, entitled—"Describing and setting forth an amendment to the Charter of the City and County of San Francisco, State of California, by amending Section 1 of Article XIV thereof, and by adding thereto a new article, to be known and numbered as Article XIV-A, relating to children's playgrounds and public recreation centers outside of Golden Gate Park, and creating a Playground Commission."

Charter Amendment No. 19, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Sections 1 and 2 of Article X thereof, relating to the Department of Public Health."

Charter Amendment No. 20, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend the Charter of said City and County by amending Section 1 of Chapter V of Article VIII, and Section 1 of Chapter VI of Article VIII, thereof, relative to the salaries of members of the Police Department."

Charter Amendment No. 21, entitled—"Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco, State of California, to amend Sections 2 and 3 of Chapter IX, Article IX of the Charter of said City and County, relative to the salaries of the Chief and of the employees of the Department of Electricity"; and

WHEREAS, Said twenty-one proposals aforementioned containing said proposed amendments to said Charter were, in accordance with the provisions of Section Eight of Article Eleven of the Constitution of the State of California, published for twenty days after their passage, in "The Evening Post," a daily newspaper of general circulation in the City and County of San Francisco, and the official newspaper of said City and County; and

WHEREAS, The said legislative authority of said City and County, did by Resolution No. 1308 (New Series) of the Board of Supervisors, passed September 16, 1907, instruct the Board of Election Commissioners of said City and County to place upon the ballot at a general municipal election to be held in said City and County of San Francisco on the Fifth day of November, One Thousand Nine Hundred and Seven, the said twenty-one several proposals to amend the Charter of the City and County of San Francisco; and

WHEREAS, Said general municipal election was held in said City and County of San Francisco on the Fifth day of November One Thousand Nine Hundred and Seven, which day was more than forty days after said proposed amendments had been published for Twenty days in "The Evening Post" newspaper; and

WHEREAS, On the Eleventh day of November One Thousand Nine Hundred and Seven and thereafter, at meetings duly convened in accordance with law, and the Charter of the City and County of San Francisco, the Board of Election Commissioners of the said City and County duly and regularly canvassed the returns of said general municipal election, and duly declared the results thereof, said Board being by law and the Charter authorized to conduct, manage and control the holding of elections and all matters pertaining to elections in said City and County; and

WHEREAS, At said general municipal election so held on the Fifth day of November One Thousand Nine Hundred and Seven, twenty of said proposed amendments were ratified by a majority of the electors voting thereon, and one of said proposed amendments received less than a majority of the votes of said electors; and

WHEREAS, Thereafter, to wit, on the Fifteenth day of November One Thousand Nine Hundred and Seven, the said Board of Election Commissioners duly filed with the Board of Supervisors the "Official Statement of Votes polled at the General

Municipal Election held in the City and County of San Francisco, State of California, on Tuesday, the Fifth day of November, A. D. 1907, for Charter Amendments * * *," and also filed a duplicate thereof in the Office of the Secretary of State of California; and

WHEREAS, The Governor of the State of California by virtue of the power and authority vested in him by Section Nine Article Five of the Constitution of the State of California convened the Legislature to meet and assemble in extraordinary session on Tuesday, the Nineteenth day of November, A. D. 1907, for the purpose among other things, of taking legislative action upon four of said amendments to the Charter of the City and County of San Francisco, namely: that Numbered One, relating to municipal bonds; that Numbered Four, relating to deposits of public funds in banks; that Numbered Eight, relating to salaries and vacations of members of the Fire Department; and that Numbered Twenty, relating to salaries of members of the Police Department; and

WHEREAS, Said Four amendments were presented to the Legislature of the State of California convened in extraordinary session as aforesaid, and were approved by said Legislature in the manner required by law; and

WHEREAS, The Governor of the State of California on the twenty-third day of November, A. D., 1907, again convened the Legislature to meet in extraordinary session on the twenty-third day of November, A. D., 1907, for the purpose of taking legislative action upon the sixteen amendments to the Charter of the City and County of San Francisco hereinafter set forth, which amendments although ratified by the electors of said City and County on the Fifth day of November, A. D., 1907, were not included in the Proclamation of said Governor convening the Legislature in extraordinary session on the Nineteenth day of November A. D. 1907; and

WHEREAS, The said sixteen amendments so ratified by the electors of the City and County of San Francisco at said General Municipal Election are now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment, in accordance with Section Eight of Article Eleven of the Constitution of the State of California, and are in words and figures as follows, to wit:

That Chapter I of Article II of said Charter be amended by adding thereto a new section to be numbered Section 23, and to read as follows:

SECTION 23. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows:

A petition signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least 30 per centum of the entire vote cast at the election at which the officer sought to be removed was elected demanding the election of a successor to the person sought to be removed, shall be filed with the Board of Election Commissioners; *provided*, that the petition sent to the Board of Election Commissioners shall contain a general statement of the grounds for which the removal is sought. The petition shall be presented, and the signatures thereto shall be authenticated and verified as in this Charter provided, in relation to petitions for the submission of Charter amendments and ordinances to the electors.

If the petition shall be found to be sufficient, the Board of Election Commissioners shall transmit the same to the Board of Supervisors without delay, and attach thereto their certificate showing the result of said examination. The Board of Supervisors shall thereupon call a special election, fix the date for holding the same, which date shall be not less than thirty days nor more than forty days from the date of the reception of said petition and certificate from the Board of Election Commissioners.

The Board of Election Commissioners shall make or cause to be made publication of notice and all arrangements for holding such election, and the same shall be conducted, returned, and the result thereof declared in all respects as are other municipal elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself; and unless he requests otherwise in writing, the Board of Election Commissioners shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election, if some other person than the incumbent receive the highest number of votes, the incumbent shall thereupon be deemed removed from the office, upon qualification of his successor. In case the party who receives the highest number of votes should fail to qualify within ten days after receiving notification of his election, the office shall be deemed vacant. If the incumbent receives the highest number of votes, he shall continue in office.

That Section 12 of Chapter I of Article III of said Charter be amended to read as follows:

SECTION 12. In making the apportionment the Supervisors shall take into account and apportion to the several funds the income and revenue estimated to arise during the fiscal year from licenses, fees, and other sources, but the income to pay the interest on the bonded indebtedness and to provide for the sinking funds shall always be provided for out of the tax on property, *provided*, that whenever any bonded indebtedness shall have been incurred for the acquisition of any of the public utilities

named in Article XII of this Charter, the surplus earnings of any such utility for the fiscal year may be applied upon the interest and sinking fund of the bonded indebtedness of such utility for the succeeding fiscal year.

That Section 21 of Chapter I, of Article VI, of said Charter be amended to read as follows:

SECTION 21. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used.

Every contract entered into by the board shall be signed by all the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the board, and the other, with said specifications and drawings, shall be delivered to the contractor.

At the same time with the execution of the contract, the contractor shall execute to the City and County and deliver to the secretary of the board a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by the board, or shall deposit with the secretary a certified check upon some solvent bank for said amount, for the faithful performance of the contract. No surety on any bond other than lawfully authorized surety companies shall be taken unless he shall be a payer of taxes on real property, not exempt from execution or subject to homestead claim, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be surety to the City and County, and, each surety shall justify and make an affidavit (for which a form shall be printed upon said bond) signed by him, that he is assessed upon the last assessment book of the City and County in his own name, for real property, in an amount greater than his liability on all bonds on which he is surety to the City and County, and that the taxes on such property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of the Board, the Supervisors may extend said time, but in no event shall the time for the performance of said contract be extended by the Supervisors more than 90 days beyond the time originally fixed for its completion; but, on the unanimous recommendation of the Board of Public Works, a further extension may be granted by vote of fourteen members of the Board of Supervisors.

In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not thereafter pay or allow to him any further compensation for any work done by him under said contract; and in the case of the improvement of streets, where the work is to be paid for by assessment levied upon real property, no assessment shall be made for the work done under said contract.

Any contract may provide for progressive payments if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time 75 per cent of the value of the labor done and materials furnished and used up to that time, and no contract shall provide for or authorize or permit the payment of more than 75 per cent of the contract price before the completion and acceptance by the proper officer or board of the work done under said contract.

That Section 2 of Article V of said Charter be amended to read as follows:

SECTION 2. The following officers shall respectively execute official bonds to the City and County, with sureties, in the following sums:

Mayor, twenty-five thousand dollars; Auditor, fifty thousand dollars; Treasurer, two hundred thousand dollars; Tax Collector, one hundred thousand dollars; Assessor, fifty thousand dollars; County Clerk, fifty thousand dollars; Recorder, ten thousand dollars; Sheriff, fifty thousand dollars; Coroner, ten thousand dollars; City Attorney, ten thousand dollars; District Attorney, ten thousand dollars; Public Administrator, fifty thousand dollars; Superintendent of Public Schools, five thousand dollars; each Commissioner of Public Works, twenty-five thousand dollars; Clerk of the Supervisors, ten thousand dollars; each Supervisor, five thousand dollars; each School Director, five thousand dollars; each Fire Commissioner, ten thousand dollars; each Police Commissioner, five thousand dollars; each Election Commissioner, ten thousand dollars; Property Clerk of Police Department, ten thousand dollars; the Warrant and Bond Clerk, ten thousand dollars.

In all cases of elective officers, officers appointed by the Mayor, and officers whose bonds are fixed by the Charter, the premium or charge for such bonds shall be paid by the City and County; *provided, however*, that no premium or charge shall exceed one half of one per cent per annum on the amount of such bond.

That Section 8 of Chapter I of Article III, of said Charter be amended to read as follows:

SECTION 8. The Supervisors may appropriate \$100,000 a year for urgent necessities not otherwise provided for by law. No money shall be paid out of this

appropriation unless authorized by a five-sixths vote of all the members of the Board of Supervisors, and approved by the Mayor.

That three new sections be added to said Charter, to be known as Sections 14, 15 and 16 of Article XII thereof, to read as follows:

SECTION 14. The City and County shall have power to acquire, construct or complete any public utility from funds derived from taxes levied for that purpose, or from funds derived from the sale of bonds issued for that purpose, as is provided in this Charter, and may operate, maintain, sell or lease the same, subject to the other provisions and limitations of this Charter.

SECTION 15. The Supervisors shall have power, in the name and for the benefit of the City and County, to acquire by purchase or condemnation, subject to the conditions and limitations in this Charter and the general laws of the State prescribed, any lands situated within the State of California necessary for constructing or maintaining canals, aqueducts, reservoirs, tunnels, flumes, ditches, or pipes for conducting or storing water for the use of the City and County, or the inhabitants thereof.

SECTION 16. 1. Whenever any public utility shall be operated by the City and County, the receipts from such utility shall be paid daily into the city treasury and maintained in a special fund set aside for such utility. The Supervisors may, from time to time, make appropriations from such funds for the following purposes:

- (a) For the payment of the operating expenses of such utility;
- (b) For repairs and reconstruction;
- (c) For payment of interest and sinking fund on the bonds issued for the acquisition or construction of such utility;
- (d) For extensions and improvements;
- (e) For a reserve fund.

2. Whenever the reserve fund shall exceed one-half of the payment for operating expenses in the preceding fiscal year, the Supervisors shall have the power to appropriate such excess to the general fund.

3. The City and County, when owning any public utility, shall keep the books of account for such public utility distinct from other City and County accounts and in such manner as to show the true and complete financial results of such municipal ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to the City and County of the public utility owned; all costs of maintenance, extension and improvement; all operating expenses of every description, and in case of such municipal operation the amounts set aside for sinking fund purposes. If any service shall be furnished for the use of such public utility without charge, the accounts shall show as nearly as possible the value of such service, and also the value of such similar service rendered by the public utility to any other municipal department without charge; such accounts shall also show reasonable allowances for interest, depreciation and insurance, and also estimates of the amount of taxes that would be chargeable against such property if owned by a private corporation. The Supervisors shall cause to be printed annually for public distribution a report showing the financial results, in form as aforesaid, of such municipal ownership and operation. The accounts of such public utility, kept as aforesaid, shall be examined at least once a year by an expert accountant, who shall report to the Supervisors the result of his examination. Such expert accountant shall be selected in such manner as the Supervisors may direct, and he shall receive for his services such compensation, to be paid out of the income or revenues from such public utility, as the Supervisors may prescribe.

That Chapter 2, Article II of said Charter be amended by adding thereto a new section to be known and numbered as "Section 9," and to read as follows:

SECTION 9. The City and County of San Francisco shall have power to sell all lands owned by the City and County between Ninth street and Eighteenth street lying in what was formerly Mission Creek, and any and all lands that may be hereafter acquired, excepting lands for parks, squares and children's playgrounds, and the Board of Supervisors of said City and County may by ordinance determine that the public interest or necessity demands the sale of such lands, so owned or held by the City and County.

Such ordinance must describe the lands to be sold, and the terms of sale, which must be for cash in United States gold coin. The land may be sold in one parcel or in subdivisions, as the Supervisors may, in such ordinance, determine, and sales shall be made by the Mayor, as hereinafter provided.

Every such sale must be at public auction, unless the Supervisors shall, in and by such ordinance, determine that all or a portion of such lands shall be sold at private sale.

When a sale at public auction is to be had, the Clerk of the Board of Supervisors must give notice thereof by publishing the same in the official newspaper, and one other daily newspaper published in the City and County, at least three weeks successively next before the sale, which said notice shall describe the lands to be sold, with common certainty.

Such sales at public auction must be made in the City and County, and must be between the hours of 9 o'clock in the morning and 5 o'clock in the afternoon, and must be made on the day named in the notice of sale, unless the same is postponed.

When it shall have been determined by the Supervisors, as hereinbefore provided, that the sale of such lands shall be at private sale, a notice shall be published in the official newspaper, and one other daily newspaper published in the City and County, for two weeks successively next before the day on or after which the sale is to be made, and the land and tenements to be sold must be described therein with common certainty. The notice must state a day on or after which the sale will be made, and must state that all bids or offers will be received by the Mayor of the City and County, at his office. The day last referred to must be at least fifteen days from the first publication of notice; and the sale must not be made before that day, but must be made within six months thereafter. The bids or offers must be in writing, and must be filed with the Mayor, at his office.

No sale of real estate at private sale shall be confirmed by the Supervisors as hereinafter provided, unless the sum offered shall be at least 90 per cent of the appraised value thereof, to be fixed and determined as next hereinafter provided.

An appraisal of such lands shall be made and filed with the Supervisors, within three weeks after the final passage of the ordinance hereinbefore mentioned, by the Mayor, the Assessor, and the chairman of the Finance Committee of the Supervisors, who are hereby constituted a board of appraisal for such purpose.

When a sale shall have been made by the Mayor, at public auction or at private sale, as hereinbefore provided, he shall require from the person to whom the property is sold a deposit amounting to 10 per cent of the sum bid. He shall immediately thereafter, at the next meeting of the Supervisors, report the fact of such sale to the Supervisors, with a statement of the sum bid, and the name of the bidder, with a request that the Board confirm such sale.

The Clerk of the Supervisors shall immediately thereupon give notice by publication in the official newspaper, and one other daily newspaper published in the City and County, that at a meeting of the Supervisors, to be held not less than twenty, nor more than thirty days, from the first publication of such notice, that such sale has been made, the amount for which the property has been sold, and the name of the purchaser. Such notice shall also contain a statement that at such meeting, if an offer of 10 per cent more in amount than that named in said notice shall be made to the Supervisors, in writing, by a responsible person, the Supervisors will confirm such sale to such person, or order a new sale, as hereinafter provided.

At such meeting, if it appears to the Supervisors that the sum bid is not disproportionate to the value of the property sold, and that a greater sum cannot be obtained, or if an increased bid, as hereinbefore mentioned, be made and accepted the Board of Supervisors may, by an ordinance, passed by an affirmative vote, of at least fifteen of its members, confirm such sale, and direct conveyances to be executed by the Mayor. A certified copy of such ordinance shall be recorded in the County Recorder's office in the County in which the property is situated.

The Board of Supervisors may, in its discretion, confirm or refuse to confirm any sale.

In the event of the refusal of the Board of Supervisors to confirm the sale, all proceedings taken as hereinbefore provided, for the sale of the lands shall be void and of no effect.

If the sale is confirmed by the Board of Supervisors, conveyances must thereupon be made by the Mayor to the person to whom the sale shall have been so confirmed, and shall be delivered to him upon payment of the balance of the purchase price. Such conveyances shall be in the name of the City and County, and shall be effective to convey all the right, title and interest of the City and County in and to the lands therein described, to the grantee therein named.

That Section 20 of Chapter III of Article VI of said Charter, providing for the change or modification of street grades, be repealed.

That a new Chapter be added to Article VI of said Charter, to be known and designated as Chapter VI of said Article, said Chapter to read as follows:

CHAPTER VI.

RELATING TO THE MODIFICATION OR CHANGE OF STREET GRADES AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

SECTION 1. The Board of Supervisors is hereby empowered, on the written recommendation of the Board of Public Works, to change or modify the grade of any public street, avenue, lane, alley, place or court to the grade set out in such recommendation, and to regrade, repave, sewer, sidewalk, curb or otherwise improve the same, so as to conform to such change or modified grade in the manner as hereinafter provided. Before any change of grade is attempted, the Board of Supervisors shall pass a resolution of intention to make such change or modification of grade, and it shall in the same resolution, when regrading, repaving, sidewalk, sewer, curbing or other improvement on such street or streets is contemplated in connection therewith, define and establish the district benefited and to be assessed for the payment of damages and for the expense of regrading, repaving, sewer, sidewalk, curbing, or otherwise improving such street or streets so as to conform with such change or modified grade; and it shall have power at the same time and in the same resolution to provide for the actual cost of performing the work of

regrading, repaving, sewerage, sidewalking, curbing or otherwise improving such street or streets or portion or portions thereof with the same or other material with which it was formerly graded, paved, sewerage, sidewalked, curbed or otherwise improved, briefly describing the work to be done and providing that the cost of the same shall also be assessed upon the same district which is declared to be benefited by such change or modified grade. When a change or modification of grade or grades is proposed to be made upon a street, avenue, alley, lane, court or place, which has already been sewerage, paved, curbed or graded, no such change or modification of such grade or grades shall be made unless provision shall also be made for the sewerage, repaving, recurring or regrading of such street, avenue, alley, lane, court or place. One or more streets or blocks of streets may be embraced in the same resolution. Such resolution shall be published in the official newspaper. Such publication shall be made for ten days, and shall describe the proposed change or modification of grade, and when such resolution contemplates such work it shall describe the regrading, repaving, sewerage, sidewalking, curbing or other improvement so contemplated, and shall set forth and describe the district to be benefited by such change or modification of grade or regrading, repaving, sewerage, sidewalking, curbing or other improvement, and to be assessed for the damages and cost of making the same. Within ten days after the first publication of the resolution of intention the Board of Public Works shall cause to be conspicuously posted along all streets within the district defined in the resolution, or, when no such district is defined, along the street or streets upon which such change or modification of grade or grades is contemplated, notice of the passage of said resolution. Said notices shall be posted not more than one hundred feet apart and shall be headed "Notice of Grade Change" or "Notice of Grade Change and Street Work," as the case may be, in letters not less than two inches in length, and shall, in legible characters, state the fact of the passage of the resolution, its date, the fact of the proposed grade change, and, if any, briefly the work or improvement proposed, and refer to the resolution for further particulars. When no improvements are provided for in connection with the said change or changes of grade or grades, if no protest of the owners of two-thirds of the property fronting on the street or streets, the grade or grades of which is to be changed or modified, shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of the resolution of intention hereinbefore mentioned, the Board of Supervisors shall have power to declare such grade or grades to be changed or modified and established, in conformity with said resolution; and when such improvement or improvements are contemplated in connection with such change, or changes of grade or grades, if no protest of the owners of a majority of the superficial area of the property included within the assessment district defined in said resolution of intention shall be filed with the Clerk of the Board of Supervisors within forty days from the first publication of said resolution hereinbefore mentioned, the Board of Supervisors shall also have the power to order any of the work contemplated therein to be done, and such street or streets to be regraded, repaved, sewerage, sidewalked, curbed or otherwise improved in conformity therewith.

SECTION 2. In case the resolution of intention provides for regrading, repaving, sewerage, sidewalking, curbing or otherwise improving said street or streets, to said changed or modified grade, any person owning property fronting upon said portions of the street or streets where such street work is to be done, may file a petition with the Board of Public Works within sixty days after the first publication of said resolution of intention, showing the fact of such ownership, a description and situation of the property claimed to be damaged, its market value, and the estimated amount of damages over and above all benefits which the property would sustain by the proposed change if completed. Such petition shall be verified by the oath of the petitioner or his agent. A failure so to petition shall be deemed and treated as a waiver of any claim for such damage or damages, and said resolution of intention shall so declare.

SECTION 3. Whenever such petition or petitions have been filed, the Board of Public Works shall estimate and assess the benefits, damages and costs of the proposed work or improvement upon each separate lot of land situated within such assessment district as said lot appears of record upon the last City and County assessment roll.

SECTION 4. The Board of Public Works shall have power to subpoena witnesses to appear before them to be examined under oath, which any member of the Board of Public Works is authorized to administer.

SECTION 5. The Board of Public Works having determined the damages which would be sustained by each petitioner, in excess of all benefits, shall proceed to assess the total amount thereof, together with the costs, charges and expenses of the proceedings, upon the several lots of land benefited within the district of assessment, so that each of the lots shall be assessed in accordance with its benefits caused by such work or improvements.

SECTION 6. The Board of Public Works shall make their report in writing, and shall subscribe to and file the same with the Board of Supervisors. In such report they shall describe separately each piece of property which will sustain damage and for which damages have not been waived, stating the name of the owner, if known, and the amount of damages each will sustain over and above all benefits. They

shall also describe separately each lot benefited within said assessment district, the name of the owner, if known, and the amount of benefits in excess of the damages assessed against the same. In describing the lots to be assessed, reference may be had to a diagram of the property in such assessment district, such diagram to be attached to and made a part of the report of the Board of Public Works. If in any case the Board of Public Works shall find that conflicting claims of title exist, or shall be in ignorance or doubt of the ownership of any lot of land, or any improvement thereon, or any interest therein, it shall be set down as belonging to unknown owners. Error in designation of the owner or owners of any land or improvement or particulars of their interest, shall not affect the validity of the assessment.

SECTION 7. On the filing of said report, the Clerk of the Board of Supervisors shall give notice of such filing by the publication of a notice for at least ten days in the official newspaper. Said notice shall require all persons interested to show cause, if any they have, before the Board of Supervisors, on a day to be fixed by the said Board and stated in said notice, which day shall not be less than twenty days from the first publication thereof, why such report should not be confirmed.

SECTION 8. All objections filed in response to said notice to show cause shall be in writing and filed with the Clerk of the Board of Supervisors, who shall, at the next meeting after the date fixed in the notice to show cause, lay the said objections, if any, before the Board of Supervisors, which shall fix a time not less than fifteen days thereafter for hearing the same, of which time the Clerk shall notify the objectors by notice published in the official newspaper for a period of five days and by depositing a notice, postage prepaid, in the United States postoffice at San Francisco, addressed to each objector at his last known place of residence, at least ten days before the date of such hearing. At the time set, or at such other time to which the hearing may be adjourned, the Board of Supervisors shall hear such objections and pass upon them, and at such time shall proceed to pass upon such report and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given and had, as in the case of the original report.

SECTION 9. After the report of the Board of Public Works as to the damages caused by such change of grade has been finally passed upon by the Board of Supervisors, such Board of Public Works shall prepare detailed plans and specifications subject to the approval of the Board of Supervisors, for regrading, paving, sewerage, sidewalk, curbing or otherwise improving such street or streets as set forth in said resolution of intention and shall then advertise for bids to perform the work of regrading, repaving, sewerage, sidewalk, curbing or otherwise improving such street or streets, as the case may be, with the same or other material with which the same have been formerly graded, paved, sewerage, sidewalk, curbed, or otherwise improved; first causing a notice, with such specifications to be posted conspicuously for fifteen days in or near the office of the Board of Public Works, inviting sealed proposals or bids for doing such work, and shall also cause notice of said work, inviting said proposals and referring to the specifications posted and already on file, to be published five days in the official newspaper. All proposals or bids offered shall be accompanied by a check payable to the order of the Clerk of the Board of Supervisors, and certified by a responsible bank for an amount which shall not be less than ten per cent of the aggregate of the proposal, or by a bond for said amount, signed by the bidder and two sureties, who shall justify under oath in double said amount over and above all the statutory exemptions. Said proposals or bids shall be delivered to the Secretary of the Board of Public Works, and said Board of Public Works shall, in open session, examine and declare the same; *provided, however*, that no proposal or bid shall be received unless accompanied by a check or a bond satisfactory to the Board of Public Works. The Board of Public Works may reject any or all bids and may award the contract to the lowest responsible bidder, or may readvertise for proposals or bids for the performance of the work, as in the first instance, and thereafter proceed in the manner in this section provided; all checks accompanying bids shall be held by the Secretary of the Board of Public Works until the successful bidder has entered into a contract as herein provided, and in case he refuses so to do, then the amount of his certified check shall be declared forfeited to the city and shall be collected and paid into its general fund, and all bonds so forfeited shall be prosecuted and the amount thereof collected and paid into the said fund. Notice of the awards of the contracts shall be published and posted in the same manner as hereinbefore provided for the advertising for proposals for such work. Before being entitled to a contract, the successful bidder must advance to the Secretary of the Board of Public Works, for payment by him, the cost of publication of the notices, resolutions, orders, or the incidental expenses and matters required under the proceedings described by this Chapter.

SECTION 10. After such contract has been awarded and entered into, the Board of Public Works shall proceed to assess the cost and expense of doing such work upon all the lots and land lying within the district to be assessed, distributing the same so that each lot will be assessed for its proportion of the same according to the benefits it receives from the work. The Board of Public Works in making such assessment shall also include therein the total amount for which each lot, or tract is

assessed for the damages resulting from the regrading, repaving, sewerage, sidewalk-ing, curbing or otherwise improving such street or streets; *provided*, no assessment for such damages and cost and the expense of such work shall be levied upon any property which will amount to a sum greater than 50 per centum of the value at which said property was assessed upon the last preceding assessment book of the City and County.

SECTION 11. The Secretary of the Board of Public Works shall forward to the Board of Supervisors a certified copy of the report and assessment as finally adopted by the Board of Public Works, whereupon such report and assessment shall be changed, modified or confirmed by the Board of Supervisors, and upon such modification, change, or confirmation thereof, shall be returned to the Board of Public Works and shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works, the assessment therein contained shall become due and payable and shall be a lien upon all the property contained or described therein.

SECTION 12. The Board of Public Works shall thereupon give notice by publication for ten days in the official newspaper, that it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums are to be made to the Board of Public Works within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent; that thereafter the sum of five per cent upon the amount of said delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works, the Secretary thereof shall write the word "paid" and the date of payment opposite the respective assessments so paid, and the name of the person by or for whom said assessment is paid, and shall give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent and the Secretary of the said Board of Public Works shall certify such fact at the foot of said assessment roll, and shall add five per cent to the amount of each assessment so delinquent. The said Secretary of the Board of Public Works shall, within five days from the date of such delinquency, proceed to advertise the various sums delinquent and the whole thereof, including the cost of advertising, which shall not exceed the sum of fifty cents for each lot, piece or parcel of land separately assessed, in the same manner as is or may be provided for the publication of the delinquent list of State and County taxes; and after the date of said delinquency and before the time of such sale therein provided for, no assessments shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the cost of advertising already incurred, shall be paid therewith. Said list of delinquent assessments, with a notice of the time and place of sale of property affected thereby, shall be published daily for five days in the official newspaper, before the sale of property for such delinquent assessments. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of the Secretary of the Board of Public Works. All property sold shall be subject to redemption for one year and in the same manner as in sales for delinquent State and County taxes; and the Secretary of the Board of Public Works shall, if there be no redemption, make and deliver to the purchaser at such sale a deed conveying the property sold and may collect for each certificate fifty cents, and for each deed one dollar. The deed of the Secretary of the Board of Public Works, made for such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings thereunder, and that all title is in the grantee. The Secretary of the Board of Public Works shall, from time to time, pay over to the City Treasurer all moneys collected by him, or by the Board of Public Works, on account of such assessments, which the City Treasurer shall, upon receipt thereof, place in a separate fund, designating each fund by the name of the street, avenue, square, lane, alley, court or place for the change of grade for which the assessment was made. And the City Treasurer shall transfer to said fund such sum or sums as the Supervisors may have ordered to be paid or advanced for or on account of such improvement out of that fund in the treasury of the City and County from which such appropriation is made. Payment shall be made from said fund to the parties entitled thereto, upon warrants issued by the Secretary of the Board of Public Works on order of said Board.

SECTION 13. When sufficient money is in the hands of the City Treasurer to pay the total cost for damages, as well as the cost of doing the work, and all other expenses connected therewith, it shall be the duty of the Board of Public Works to notify the owner, possessor or occupant of the premises damaged, and to whom damages have been awarded, that a warrant has been drawn for the payment of the same, which may be received at the office of said Board of Public Works. Such notification may be made by depositing a notice, postage paid, in the United States Post Office, at San Francisco, addressed to his last known place of residence. If, after the expiration of three days from the service or deposit of the notice in the Post Office, he shall not have applied for such warrant, the same shall be drawn and deposited with the City Treasurer to be delivered to him upon demand.

SECTION 14. After the contractor to whom has been awarded the contract for regrading, repaving, sewerage, sidewalk, curbing, or otherwise improving such street or streets, has fulfilled his contract to the satisfaction of the Board of Public Works and the City Engineer has certified to the completion of said work, the Secretary of the Board of Public Works, on order of said Board, shall issue a warrant, payable out of said fund, in favor of such contractor in payment for such work.

SECTION 15. In case of a deficiency of the fund to pay the whole assessed cost and damages, the Board of Supervisors may in its discretion, order the balance thereof to be distributed by the Board of Public Works upon the property assessed, by a supplementary assessment, or direct the payment of such balance to be made from the City Treasury; but in the event that a supplementary assessment is ordered, in order to avoid delay, the Board of Supervisors may advance such balance out of any available fund in the Treasury and reimburse the same from the collection of assessments. The Treasurer shall pay such warrants in the order of their presentation.

SECTION 16. The Board of Supervisors may, in its discretion, order, by ordinance, that the whole or any part of the cost and expense of any of the work hereinbefore in this Chapter mentioned or the damages resulting therefrom, be paid out of the Treasury of the City and County from such fund as the Board of Supervisors may designate. Whenever a part of such cost or expense is so ordered to be paid before the making of an assessment therefor, the Board of Public Works, in making up the assessment heretofore provided for such cost or expense, shall first deduct from the whole cost and expense such part thereof as has been so ordered to be paid out of the municipal treasury, and shall assess the remainder of said cost and expense proportionately upon the lots, parts of lots and lands in said assessment district, or liable to be assessed for such work, and in the manner hereinbefore provided.

That the title of Chapter III of Article VI of said Charter be changed so as to read as follows:

CHAPTER III.

OPENING, EXTENDING, WIDENING, STRAIGHTENING OR CLOSING UP OF STREETS AND THE CONDEMNATION AND ACQUISITION OF LAND AND PROPERTY NECESSARY THEREFOR AND THE PERFORMANCE OF STREET WORK IN CONNECTION THEREWITH.

That Sections 1 to 19 inclusive of Chapter III of Article VI of said Charter providing for the opening, straightening, widening and extending of streets, be repealed.

That new sections be added to Chapter III of Article VI of the Charter, to be known and designated as Sections 1 to 19 inclusive of Chapter III of said article, and to read as follows:

SECTION 1. Whenever the public interest or convenience may require, the Supervisors shall have full power and authority to order the opening, extending, widening, straightening or closing up, in whole or in part, of any street, avenue, lane, alley, court, or place within the City and County and to condemn and acquire any and all land and property necessary and convenient for that purpose.

SECTION 2. Before ordering any work to be done or improvement made, which is authorized by the preceding section, the Supervisors shall pass a resolution declaring their intention so to do, describing the work or improvement, and the land deemed necessary to be taken therefor, and specifying the exterior boundaries of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the damages, costs and expenses thereof.

The Supervisors may, in and by said resolution, declare and determine that the whole cost and expense of such work or improvement, or any proportion thereof, shall be paid out of the revenues of the City and County.

SECTION 3. The Clerk of the Supervisors shall transmit to the Board of Public Works a certified copy of such resolution, and upon receipt thereof said Board of Public Works shall cause to be conspicuously posted along the line of said contemplated work or improvement, at not more than three hundred feet in distance apart, but not less than three in all, notices of the passage of said resolution. Said notice shall be headed "Notice of Public Work" in letters not less than one inch in length, shall be in legible characters, state the fact of the passage of the resolution, its date, and briefly the work of improvement proposed, and refer to the resolution for further particulars. Said Board shall also cause a notice, similar in substance, to be published for a period of ten days in the official newspaper.

SECTION 4. Any person interested objecting to said work or improvement, or to the extent of the district or lands to be affected or benefited by said work or improvement, and to be assessed to pay the cost and expenses thereof, may make written objections to the same within ten days after the expiration of the time of the publication of said notice, which objection shall be delivered to the Clerk of the Supervisors, who shall endorse thereon the date of its reception by him, and at the next meeting of the Supervisors after the expiration of said ten days lay said objection before the Supervisors, who shall fix a time for hearing said objections, not less than one week thereafter. The Clerk of the Supervisors shall notify the

persons making such objections by depositing a notice thereof in the Postoffice, postage prepaid, addressed to such objector.

SECTION 5. At the time specified, or to which the hearing may be adjourned, the Supervisors shall hear the objections urged, and pass upon the same, and their decision shall be final and conclusive. If such objections are sustained all proceedings shall be stopped, but proceedings may again be commenced at any time by giving notice of intention to do said work or make said improvement. If such objection is overruled by the Supervisors, the proceedings shall continue the same as if such objection had not been made. At the expiration of the time prescribed, during which objections to said work or improvement may be made, if no objections shall have been made, or if objections shall have been made, and the Supervisors, after hearing, shall have overruled the same, the Supervisors shall be deemed to have acquired jurisdiction to order any of the work to be done or improvement to be made which are authorized by Section 1 of this Chapter, and by resolution shall order said work to be done or improvement to be made, as the case may be.

SECTION 6. Upon the passage of said resolution the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works. Upon receipt of the same said Board of Public Works shall proceed to view the lands described in the resolution of intention, and may examine witnesses on oath to be administered by any member of said Board in relation thereto. Having viewed the land to be taken, and the improvements affected, and considered the testimony presented, they shall proceed with all diligence to determine the value of the land and the damage to improvements and property affected, and also the amount of the expenses incident to said work or improvement, and, having determined the same, shall proceed to assess the same upon the district of lands declared benefited, the exterior boundaries of which were fixed by the resolution of intention provided for by Section 2 hereof. Such assessment shall be made upon the lands within said district in proportion to the benefit to be derived from said work or improvement, so far as said Board can reasonably estimate the same, including in such estimate the property of any railroad company within said district, if such there be. In case, however, the Supervisors shall have declared that the whole of such expense shall be paid out of the revenues of the City and County, then no such assessment shall be made, but the Board of Public Works shall, in such event, report to the Supervisors in detail an estimate of the value of the land to be taken, the damages to improvements and the amount of expenses incident to said work, and if the Supervisors shall approve such estimate they shall order the amount so fixed to be paid to the persons respectively entitled thereto, as in Section 15 hereof provided.

SECTION 7. Said Board of Public Works having made their assessment of benefits and damages, shall, with all diligence, make a written report thereof to the Supervisors, and shall accompany their report with a plat of the assessment district showing the land taken or to be taken for the work or improvement, and the lands assessed, showing the relative location of each district, block, lot or portion of lot, and its dimensions, so far as can be reasonably ascertained. Each block or lot, or portion of lot, taken or assessed, shall be designated and described in said plat by an appropriate number, and a reference to it by such descriptive number shall be a sufficient description of it in any suit entered to condemn, and in all respects. When the report and plat are approved by the Supervisors, a copy of said plat, appropriately designated, shall be filed by the Clerk thereof in the office of the Recorder of the City and County.

SECTION 8. Said report shall specify each lot, subdivision or piece of property taken or injured in the widening or other improvement, or assessed therefor, together with the name of the owner or claimants thereof, or of persons interested therein as lessees, incumbrancers, or otherwise, so far as the same are known to said Board of Public Works, and the particulars of their interest, so far as the same can be ascertained, and the amount of value or damage, or the amount assessed, as the case may be.

SECTION 9. If in any case the Board of Public Works find that conflicting claims of title exist, or if they shall be in ignorance or doubt as to the ownership of any lot of land, or of any improvements thereon, or of any interest therein, it shall be set down as belonging to unknown owners. Error in the designation of the owner or owners of any lot of land or improvements, or of the particulars of their interest, shall not affect the validity of the assessment or of the condemnation of the property to be taken.

SECTION 10. Said report and plat shall be filed in the Clerk's office of the Supervisors, and thereupon the Clerk of said Board shall give notice of such filing by publication for at least ten days in the official newspaper. Said notice shall also require all persons interested to show cause, if any, why such report should not be confirmed, before the Supervisors on or before a day fixed by the Clerk thereof, and stated in said notice, which day shall not be less than thirty days from the first publication thereof.

SECTION 11. All objections shall be in writing, and filed with the Clerk of the Supervisors, who shall, at the next meeting after the day fixed in the notice to show cause, lay the said objections, if any, before the Supervisors, who shall fix a time for hearing the same, of which the Clerk shall notify the objectors in the

same manner as objectors to the original resolution of intention. At the time set, or at such other time as the hearing may be adjourned to, the Supervisors shall hear such objections and pass upon the same; and at such time, or, if there be no objections, at the first meeting after the day set in said order to show cause, or such other time as may be fixed, shall proceed to pass upon such report, and may confirm, correct or modify the same, or may order the Board of Public Works to make a new assessment, report and plat, which shall be filed, notice given, and hearing had, as in the case of an original report. If the Supervisors shall have determined that a certain proportion of the cost and expense of such work and improvement shall be paid out of the revenues of the City and County, they shall deduct such proportion from the total amount of the cost and expense thereof as finally fixed and determined in and by said assessment and report, and the amount of such proportion shall be paid out of any revenues appropriated for such purpose to the persons respectively entitled thereto, at the same time and in the same manner as in Section 15 hereof provided, and the balance shall be raised by assessment as hereinafter provided.

SECTION 12. The Clerk of the Supervisors shall forward to the Board of Public Works a certified copy of the report, assessment and plat, as finally confirmed and adopted by the Supervisors, with a statement of any deduction that may be made on account of payments made out of the revenues of the City and County, as in Section 11 provided. Such certified copy shall thereupon be the assessment roll. Immediately upon receipt thereof by the Board of Public Works the assessment therein contained shall become due and payable, and shall be a lien upon all the property contained or described therein.

SECTION 13. The Board of Public Works shall thereupon give notice by publication in the official newspaper for ten days that it has received said assessment roll, and that all sums levied and assessed in said assessment roll are due and payable immediately, and that the payment of said sums is to be made to said Board within thirty days from the date of the first publication of said notice. Said notice shall also contain a statement that all assessments not paid before the expiration of said thirty days will be declared to be delinquent, and that thereafter the sum of five per cent upon the amount of each delinquent assessment, together with the cost of advertising each delinquent assessment, will be added thereto. When payment of any assessment is made to said Board of Public Works it shall cause to be written the word "paid," and the date of payment, opposite the respective assessments so paid, and the names of persons by or for whom said assessment is paid, and shall, if so required, give a receipt therefor. On the expiration of said thirty days all assessments then unpaid shall be and become delinquent, and said Board of Public Works shall certify such fact at the foot of said assessment roll and shall add five per cent to the amount of each assessment so delinquent.

SECTION 14. The said Board of Public Works shall, within five days after the date of said delinquency, proceed to advertise and collect the various sums delinquent, and the whole thereof, including the cost of advertising, which last shall not exceed the sum of fifty (50) cents for each lot, piece or parcel of land separately assessed, by the sale of the assessed property in the same manner as is or may be provided for the collection of state and county taxes; and after the date of said delinquency, and before the time of such sale herein provided for, no assessment shall be received unless at the same time the five per cent added thereto, as aforesaid, together with the costs of advertising then already incurred, shall be paid therewith. Said list of delinquent assessments shall be published for five days in the official newspaper before the day of sale of such delinquent assessment. Said time of sale must not be less than seven days from the date of the first publication of said delinquent assessment list, and the place must be in or in front of the office of said Board of Public Works. All property sold shall be subject to redemption in the same time and manner as in sales for delinquent state and county taxes; and the Board of Public Works may collect for each certificate fifty cents and for each deed one dollar. All provisions of the law, in reference to the same and redemption of property, for delinquent state and county taxes in force at any given time, shall also then, so far as the same are not in conflict with the provisions of this act, be applicable to the sale and redemption of property for delinquent assessments hereunder, including the issuance of certain certificates and execution of deeds. The deed of the Board of Public Works made after such sale, in case of failure to redeem, shall be prima facie evidence of the regularity of all proceedings hereunder, and of title in the grantee. It shall be conclusive evidence of the necessity of taking or damaging the lands taken or damaged, and of the correctness of the compensation awarded therefor. The Board of Public Works shall, from time to time, pay over to the City Treasurer all moneys collected by it on account of any such assessments. The Treasurer shall, upon receipt thereof, place the same in a separate fund, designating such fund by the name of the street, avenue, square, lane, alley, court or place for the widening, opening or other improvement of which the assessment was made. Payment shall be made from said fund to the parties entitled thereto, upon warrants signed by the members of the Board of Public Works, or a majority of them.

SECTION 15. When sufficient money is in the hands of the Treasurer, in the fund devoted to the particular work or improvement, to pay for the lands and improvements taken or damaged, and when in the discretion of the Board of Public Works

the time shall have come to make payments, it shall be the duty of said Board to notify the owner, possessor or occupant of any land or improvements thereon to whom damages shall have been awarded, that a warrant has been drawn for the payment of the same, and that he can receive such warrant at the office of said Board upon tendering a conveyance of any property to be taken; such notification, except in the case of unknown owners, to be made by depositing a notice, postage paid, in the postoffice, addressed to his last known place of abode or residence. If at the expiration of thirty days after the deposit of such notice he should not have applied for such warrant, and tendered a conveyance of the land to be taken, the warrant so drawn shall be deposited with the Treasurer and shall be delivered to such owner, possessor or occupant upon tendering a conveyance as aforesaid, unless judgment of condemnation shall be had, when the same shall be canceled.

SECTION 16. If any owner of land to be taken neglects or refuses to accept the warrant drawn in his favor as aforesaid, or objects to the report as to the necessity of taking his land, the Board of Public Works shall report such facts to the Supervisors, who shall thereupon cause proceedings to be taken for the condemnation thereof, as provided by law under the right of eminent domain. The complaint may aver that it is necessary for the city to take or damage and condemn the said lands, or an easement therein, as the case may be, without setting forth the proceedings herein provided for, and the resolution and ordinance ordering said work to be done shall be conclusive evidence of such necessity. Such proceedings shall be brought in the name of the City and County, and have precedence, so far as the business of the court will permit, and any judgment for damages therein rendered shall be payable out of such portion of the special fund as may remain in the treasury, so far as the same can be applied. At any time after trial and after judgment has been entered, or preceding an appeal, the court may order the Treasurer to set apart in the Treasury a sufficient sum from the fund appropriated to the particular improvement to answer the judgment and all damages, and thereupon may authorize and order the City and County to enter upon the land and proceed with the proposed work and improvement. In case of a deficiency in said fund to pay the whole of such judgment and damages, the Supervisors may, in their discretion, order the balance thereof to be paid out of the general fund of the treasury or to be distributed by the Board of Public Works over the property by a supplementary assessment; but in the last-named case, in order to avoid delay, the Supervisors may advance such balance out of any appropriate fund in the Treasury, and reimburse the same from the collections of the assessment. Pending the collection and payment of the amount of the judgment and damages, the court may order such stay of proceedings as may be necessary.

SECTION 17. The Treasurer shall pay such warrants out of the appropriate fund, and not otherwise, in the order of their presentation, *provided*, that warrants for land or improvements taken or damaged shall have priority over warrants for charges and expenses, and the Treasurer shall see that sufficient money is and remains in the fund to pay all warrants of the first class before paying any of the second.

SECTION 18. If after the sale of property for delinquent assessments there should be a deficiency, and there should be unreasonable delay in collecting the same, or if for the purpose of equalizing the assessments supplying a deficiency, or for any cause it appears desirable, the Board of Public Works may so report to the Supervisors, who may order them to make a supplementary assessment and report the same in manner and form as the original, and subject to the same procedure. If by reason of such supplementary assessment, or for any cause, there should be at any time a surplus, the Supervisors may appropriate the same and declare a dividend pro rata to the parties paying the same, and they, upon demand, shall have the right to have the amount of such pro rata dividends refunded to them, or credited upon any subsequent assessment for taxes made against said parties in favor of said City and County.

SECTION 19. If any title attempted to be acquired by virtue of this Act shall be found to be defective from any cause the Supervisors may again institute proceedings to acquire the same as in this Chapter provided, or otherwise, or may authorize the Board of Public Works to purchase the same and include the cost thereof in a supplementary assessment, as provided in the last section.

That Section 5 of Article I of said Charter be amended to read as follows:

SECTION 5. No recourse shall be had against the City and County for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the City and County for want of repair of any sidewalk, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the City and County for damage, to person or property suffered or sustained by reason of accident on any sidewalk, street, avenue, lane, alley, court or place, or by falling from any embankment thereon or into any excavation therein; but in any such case the person or persons on whom the law may have imposed the obligation to repair

such defect in the sidewalk, street or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired, shall be jointly and severally liable to the party injured for the damage sustained; *provided*, that notice in writing of the existence of such defect shall have been served upon such person or persons, officer or officers, at least ten days before such damage shall have been sustained; *and provided, further*, that there are at such time funds available for repairing such defect.

That Subdivision 11 of Section 1 of Chapter III of Article VII of said Charter be amended to read as follows:

SUBDIVISION 11. To lease to the highest responsible bidder, for the benefit of the Common School Fund, for a term not exceeding thirty-five years, any real property of the School Department not required for school purposes; but no lease shall be made except after advertisement for bids for at least sixty days in the official newspaper and one other daily newspaper of general circulation, published in the City and County, and by an affirmative vote of at least three members of the Board of Education and approved by an ordinance of the Board of Supervisors, passed by a vote of at least fifteen of its members, and approved by the Mayor; *and provided* that at the expiration of the term of said lease all buildings and improvements erected shall revert to and become the property of the School Department of the City and County.

That Subdivision 3, of Section 1, of Chapter II, of Article II of said Charter be amended to read as follows:

SUBDIVISION 3. To permit the laying down of spur or side tracks and running cars thereon for industrial purposes only, for the purpose of connecting warehouses, manufactories, or other business industries and enterprises with the Belt Line of railroads along the water front or other lines of railroad which now or may hereafter enter the City and County, subject to such regulations and conditions as may be prescribed from time to time by said Board of Supervisors; such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purpose of excavating and filling in a street or portion of a street or the adjoining land, and for such limited time as may be necessary for such purpose and no longer.

Such tracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of such streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Board of Supervisors. All spur or side tracks laid down and in use on the first day of July, 1907, shall be deemed to have been laid down and to be in use by permission of the Board of Supervisors, subject to the provisions of this section.

That Subdivision 14, of Section 1, of Chapter II, of Article II of said Charter be amended to read as follows:

SUBDIVISION 14. To fix and determine by ordinance in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in the City and County, for the use of water, heat, light, power or telephonic service, supplied to the City and County, or to the inhabitants thereof, and to prescribe the quality of the service.

That Section 1 of Article XIV of said Charter be amended to read as follows:

SECTION 1. The lands designated upon the Map of the Outside Lands of the City and County, made pursuant to Order No. 800, by the word "Park," extending from Stanyan street to the Pacific Ocean, and known as Golden Gate Park; also the land fronting on Haight street, designated on said map by the word "Park," and known as Buena Vista Park; also the lands designated on said Map by the word "Avenue," extending from Baker street westward until it crosses Stanyan street; also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map as "Great Highway"; also Mountain Lake Park; also Seal Rocks, as ceded to the City and County of San Francisco by act of Congress; and all the other parks and squares in the City and County, and all the grounds surrounding public buildings in the City and County, and all parks and squares and public pleasure grounds hereafter acquired by the City and County, shall be under the exclusive management of a Board of Commissioners who shall be known and designated as Park Commissioners, except that children's playgrounds and recreation centers outside of Golden Gate Park shall, to the extent of their use as such playgrounds and recreation centers, be under the exclusive management and control of the Playground Commissioners.

That a new article be added to said Charter, to be known and numbered Article XIV-A, and to read as follows:

ARTICLE XIV-A.

PLAYGROUND COMMISSIONERS.

SECTION 1. All children's playgrounds now owned by the City and County, and all children's playgrounds that shall hereafter be acquired by the City and County, and all public recreation centers, other than those located in Golden Gate Park, shall be under the management and control of a Board of Commissioners, which shall

consist of men and women, and shall be known and designated as the Playground Commissioners. No person shall be appointed such Commissioner who shall not be at the time of his or her appointment a resident of the City and County, and who shall not have been such at least five years prior thereto.

SECTION 2. The Commissioners shall be seven in number, five of whom shall be appointed by the Mayor for the term of four years. Three of the members appointed by the Mayor shall be men and two of them shall be women. The President of the Board of Education shall be ex-officio the sixth member of the Commission, and either the President of the Park Commissioners or the Superintendent of Golden Gate Park, as the Park Commissioners in writing may appoint, shall be ex-officio the seventh member. The Park Commissioners may at any time, by resolution served upon the Playground Commissioners, change their ex-officio member of said Commission, *provided* that such ex-officio member be always either their President or said Superintendent. None of said Commissioners shall receive any compensation for his or her services.

SECTION 3. The Commissioners shall organize by electing one of their number President, who shall hold office for one year or until his or her successor is elected, and they may elect a Secretary who is not a member of the Board.

A majority of the members shall constitute a quorum for the transaction of business. The Board shall hold regular meetings at least once in two weeks, and as many special meetings as it may deem proper.

The Board shall establish rules and regulations for its government and for the performance of its duties, and for the conduct of its officers and employes, and shall require adequate bonds from all its officers and employes, except laborers, for the faithful performance of their duties, and in such sums as may be fixed by it, such bonds shall be approved by the Mayor and filed in the office of the Auditor.

SECTION 4. The Commissioners shall adopt rules and regulations for the government of the aforesaid playgrounds not inconsistent with the ordinances of the City and County of San Francisco, the laws of the State of California or with this Charter.

SECTION 5. The Commissioners shall have complete and exclusive control, management and direction of the aforesaid playgrounds and recreation centers, and the exclusive right to erect and to superintend the erection of buildings and structures thereon, and to that end they may employ superintendents, surveyors, engineers, laborers and other employes and assistants and prescribe and fix their duties, authority and compensation. They shall have the exclusive management and disbursement of all funds legally appropriated or received from any source for the support and equipment of the aforesaid playgrounds and recreation centers, *provided*, that such management of any real or personal property or moneys acquired by loan, gift, devise or bequest, is not inconsistent with the terms and conditions of the loan, gift, devise, or bequest. The Commissioners may purchase in the name of the City and County of San Francisco lands to be used as children's playgrounds and recreation centers, with any moneys legally appropriated for such purpose or acquired by gift, legacy or bequest for such purpose.

SECTION 6. The Board may receive donations from persons and corporations, and legacies and bequests for the purchase, improvement and equipment of playgrounds and recreation centers. All moneys that may be derived from such donations, legacies and bequests shall, unless otherwise provided by the terms of such gift, donation, legacy or bequest, be deposited in the treasury of the City and County to the account of the Playground Fund of the General Fund. The same may be withdrawn therefrom and paid out in the same manner as is provided for the payment of moneys legally appropriated for the support and improvement of such playgrounds and recreation centers. If such moneys shall at any time exceed in amount the sum necessary for immediate expenditure on said playgrounds or recreation centers the Board may invest all or part of the same in interest-bearing bonds of the United States, of the State of California or of any municipality therein.

SECTION 7. The Chief of Police shall on request of the Commissioners detail such members of the Police Force of the City and County for service in said playgrounds and recreation centers as may be necessary for the enforcement of the law and the city ordinances and the proper observance of the rules and regulations of the Commissioners.

SECTION 8. The Supervisors shall have the power to set apart either absolutely or for a definite period of time any land, not improved with any public buildings belonging to the City and County other than land under the exclusive control and management of the Park Commissioners, and land acquired by the issue of bonds for other specific purpose, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be under the exclusive control and management of the Playground Commissioners.

SECTION 9. The Park Commissioners shall have power to set apart either absolutely or for a definite period of time such parks and squares or portions thereof as they may see proper, other than Golden Gate Park and the Mission Park, for use as children's playgrounds and recreation centers, and the same shall, when so set apart for such use, be, to the extent of that use, under the exclusive control and management of the Playground Commissioners.

SECTION 10. The Supervisors shall, for the purchase, development, equipment and maintenance of the aforesaid playgrounds and recreation centers, annually appropriate to the Playground Commissioners at the time of making the Budget such amount as may in their judgment be necessary or proper, and the funds so appropriated shall be credited to the Playground Fund of the General Fund, and the Playground Commissioners shall have the exclusive management and disbursement of the same.

The Secretary shall keep a full account of all property, money, receipts and expenditures and a record of all proceedings of the Commissioners. The votes of all its members shall be recorded in the minutes with the ayes and noes.

That Section 1 of Article X of said Charter be amended to read as follows:

SECTION 1. There shall be a Department of Public Health under the management of a Board of Health. The board shall consist of seven members, all of whom shall be appointed by the Mayor, and three only of whom shall be physicians. Said physicians shall be regularly certificated physicians of the City and County at the time of their appointment, and must have been such for at least five years next preceding their appointment. The members of the board shall serve without compensation. They shall elect one of their members president, and shall adopt such rules and regulations as may be necessary for the government of the board.

That Section 2 of Article X thereof be amended to read as follows:

SECTION 2. The appointed members of the board, excepting those first appointed, shall hold office for seven years. Those first appointed under this Charter shall so classify themselves by lot that one of them shall go out of office at the end of one year; one at the end of two years; one at the end of three years; one at the end of four years; one at the end of five years; one at the end of six years; and one at the end of seven years.

Within 30 days after the ratification of this amendment by the Legislature of the State of California, the offices of the then incumbent members of the Board of Health shall become vacant, and the Mayor shall thereupon proceed to appoint a Board of Health pursuant to the provisions of the preceding section.

That Sections 2 and 3 of Chapter IX of Article IX of said Charter be amended to read as follows:

SECTION 2. There shall be appointed by the Board of Fire Commissioners and Board of Police Commissioners, acting in joint session, a practical and skilled Electrician, and who shall have general supervision of the Department of Electricity. He shall receive a salary of \$3000 per annum.

SECTION 3. The Joint Commission may appoint such assistants and other employes as may be necessary to efficiently maintain, extend and repair the Department of Electricity at all times. All appointments shall be made subject to the provisions of Article XIII hereof. The number and compensation of all such assistants and other employes of the Department of Electricity shall be fixed annually by the Supervisors, but no compensation to any of such persons shall be greater than is paid in similar employments. Any person who, under a classification of positions by the Civil Service Commission, has been appointed in conformity with Article XIII of this Charter and who has served the probation period required by said Article is hereby declared appointed within the provisions of the Article XIII to said position so classified.

STATE OF CALIFORNIA }
CITY AND COUNTY OF SAN FRANCISCO } SS

This is to certify that we, Edward R. Taylor, Mayor of the City and County of San Francisco, and John E. Behan, Clerk of the Board of Supervisors of said City and County, have compared the foregoing proposed and ratified amendments to the Charter of the said City and County of San Francisco with the original proposals submitting the same to the electors of said City and County at a General Municipal Election held on Tuesday, the Fifth day of November One Thousand Nine Hundred and Seven, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are and each of them is true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of said City and County of San Francisco, this 20th day of November One Thousand Nine Hundred and Seven.

EDWARD R. TAYLOR

Mayor of the City and County of San Francisco.

JOHN E. BEHAN

Clerk of the Board of Supervisors of the City and County of San Francisco.

[SEAL.]

Now, therefore be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring (a majority of all the members elected to each house voting for and concurring herein), That said amendments to the Charter of the City and County of San Francisco as proposed to and adopted and ratified by the electors of said City and County and as hereinbefore fully set forth, be and the same are, and each of

them is, hereby approved as a whole without amendment or alteration, for and as amendments to, and as part of the Charter of the City and County of San Francisco.

Senate Concurrent Resolution No. 1 read.

The question being on the adoption of the resolution.

The roll was called, and Senate Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs. Barry, Baxter, Beban, Beckett, Bell, Berry, Birdsall, Bishop, Boyle, Bush, Butler, Case, Chandler, Cogswell, Coghlan, Collister, Cornish, Cullen, Cutten, Davis, Devlin, Drew, Eshleman, Estudillo, Finney, Fisher, Forbes, Fratessa, Hammon, Hans, Hartmann, Held, Hewitt, John, Johnson of Sacramento, Johnson of San Diego, Jury, Kohlman, Leeds, Lucas, Ludington, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Percival, Pierce, Pyle, Root, Sackett, Smith, Snyder, Spalding, Stanton, Stetson, Strohl, Strobridge, Thompson of San Francisco, Thompson of Los Angeles, Toomey, Transue, Vogel, Weske, Wessling, Whitmore, Wilson, Wyatt, and Mr. Speaker—72.

NOES—None.

Senate Concurrent Resolution No. 1 ordered transmitted to the Senate.

APPOINTMENT OF SELECT COMMITTEE.

The Speaker announced that he had appointed Messrs. Hartmann, Held, and Bishop a committee to notify the Governor that the Assembly had convened and was ready to receive any message he might wish to convey to it.

RESOLUTIONS—(RESUMED).

By Mr. Estudillo:

ASSEMBLY CONCURRENT RESOLUTION No. 1.

Resolved by the Assembly, the Senate concurring, That the two houses of the Legislature adjourn sine die at 2:30 o'clock p. m., on Saturday, November 23, 1907.

Assembly Concurrent Resolution No. 1 read.

The question being on the adoption of the resolution.

The roll was called, and Assembly Concurrent Resolution No. 1 adopted by the following vote:

AYES—Messrs. Baxter, Beban, Beckett, Bell, Berry, Birdsall, Boyle, Butler, Campbell, Case, Chandler, Cogswell, Collister, Cornish, Costar, Cullen, Davis, Devlin, Drew, Eshleman, Estudillo, Fisher, Forbes, Fratessa, Hans, Hartmann, Hewitt, Higgins, John, Johnson of Sacramento, Johnson of San Diego, Jury, Leeds, Lemon, Lucas, Lynch, McClellan, McConnell, McGuire, McKeon, McMullin, O'Brien, Otis, Pierce, Pyle, Root, Sackett, Smith, Spalding, Stanton, Strohl, Strobridge, Thompson of Los Angeles, Transue, Weske, Whitmore, Wyatt, and Mr. Speaker—58.

NOES—None.

Assembly Concurrent Resolution No. 1 ordered transmitted to the Senate.

By Mr. Otis:

Resolved, That a committee of three be appointed by the Speaker to wait upon His Excellency, James N. Gillett, and notify him that the Assembly has concluded its labors under the call for an extraordinary session of the Legislature for November 23, 1907, and that this body awaits his further pleasure.

Resolution read, and on motion adopted.

The Speaker announced that in conformity with the above resolution he appointed Messrs. Otis, McConnell, and Pyle as such committee.

By Mr. Chandler:

Resolved, That a committee of three be appointed by the Speaker to inform the Senate that the Assembly has concluded its labors and that we await the further pleasure of the Senate.

Resolution read, and on motion adopted.

The Speaker announced that in conformity with the above resolution

he appointed Messrs. Chandler, Case, and Johnson of San Diego as such committee.

REPORT OF SELECT COMMITTEE.

The committee to wait upon the Governor to notify him that the Assembly had convened, appeared before the bar of the Assembly and reported that they had carried out the instructions of the Assembly and that the Governor had informed them that he had no message to deliver to the Assembly.

RESOLUTIONS—(RESUMED).

By Mr. Stanton:

Resolved, That the Sergeant-at-Arms of the Assembly, or the Bookkeeper to the Sergeant-at-Arms, be and they are hereby authorized to receipt to the Controller for all warrants for payments to members, officers, and attachés of the Assembly.

Resolution read, and on motion adopted.

REPORT OF SELECT COMMITTEE.

The committee appointed to wait upon the Governor, relative to adjournment, appeared before the bar of the House and reported that they had carried out the instructions of the Assembly, and that the Governor had no further communication to make to the Assembly and wished to congratulate the Assembly upon the speedy and economic way in which the Assembly had concluded its labors.

COMMITTEE FROM THE SENATE.

A committee from the Senate, comprising Senators Anthony, Caminetti, and Cartwright, appeared before the bar of the Assembly and reported that the Senate was ready to adjourn, and asked if the Assembly had any further communication to make to the Senate.

The Speaker stated that the Assembly would communicate with the Senate through its committee.

RESOLUTIONS—(RESUMED).

By Mr. Thompson of Los Angeles:

Resolved, That a committee of three be appointed by the Speaker of the Assembly to wait upon the Senate and inform that body that the Assembly is now ready to adjourn *sine die*.

Resolution read, and on motion adopted.

In accordance with the above resolution, the Speaker appointed Messrs. Thompson of Los Angeles, Root, and Eshleman as such committee.

SENATE MESSAGE.

The following Senate message was received and read:

SENATE CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: I am directed to inform your honorable body, that the Senate on this day adopted Assembly Concurrent Resolution No. 1—Relative to adjournment *sine die*.

LEWIS A. HILBORN, Secretary of Senate.

By J. W. KAVANAGH, Assistant Secretary.

Assembly Concurrent Resolution No. 1 ordered to enrollment.

REPORT OF SELECT COMMITTEE.

The committee to wait upon the Senate appeared before the bar of the Assembly and reported that they had carried out the instructions of the Assembly, and that the Senate had no further communication to make to the Assembly.

REPORT OF STANDING COMMITTEE.

The following report of standing committee was received and read:

ON ENGROSSMENT AND ENROLLMENT.

ASSEMBLY CHAMBER, SACRAMENTO, November 23, 1907.

MR. SPEAKER: Your Committee on Engrossment and Enrollment beg leave to report that they have examined and found the following correctly enrolled:

Assembly Concurrent Resolution No. 1—Relative to adjournment *sine die*.

HANS, Chairman.

READING AND APPROVAL OF MINUTES.

The minutes of Saturday, November 23, 1907, were read, and on motion of Mr. Transue approved.

ADJOURNMENT.

At two o'clock and thirty minutes P. M., of Saturday, November 23, 1907, the Hon. R. L. Beardslee, Speaker of the Assembly, announced that the time for final adjournment of the second extra session of the Legislature of the State of California had arrived, and thereupon declared the Assembly adjourned *sine die*.

R. L. BEARDSLEE,
Speaker of the Assembly.

J. P. TRANSUE,
Speaker pro tem. of the Assembly.

CLIO LLOYD,
Chief Clerk of the Assembly.

H. A. HARPER,
Minute Clerk of the Assembly.

R. L. DEMPSEY,
Journal Clerk of the Assembly.

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FIRST EXTRA SESSION.

ASSEMBLY BILLS.

- 1—An Act to amend Section 10 of the Code of Civil Procedure, relating to holidays.
In Assembly: Nov. 19—Introduced by Mr. Johnson of Sacramento, read first time, and referred to Committee on Judiciary, 16; from committee, with amendments, and recommendation do pass as amended, 38; read second time, and amended, 39; reported correctly engrossed, 47; made case of urgency, 47; read third time, passed, and to Senate, 48.
In Senate: Nov. 22—Read first time, and referred to Committee on Judiciary, 40; from committee, with recommendation do not pass, 44. (Left on file.)
- 2—An Act to amend Sections 134 and 135 of the Code of Civil Procedure, both relating to judicial days.
In Assembly: Nov. 19—Introduced by Mr. Johnson of Sacramento, read first time, and referred to Committee on Judiciary, 16; from committee, with amendments, and recommendation do pass as amended, 38; read second time, and amended, 39; made case of urgency, 47. (Left on file.)
- 3—An Act to amend Section 10 of the Political Code, relating to holidays.
In Assembly: Nov. 19—Introduced by Mr. Johnson of Sacramento, read first time, and referred to Committee on Judiciary, 16; from committee, with recommendation do pass, 38; read second time, 39; reported correctly engrossed, 47; made case of urgency, 47; read third time, passed, and to Senate, 48.
In Senate: Nov. 22—Read first time, and referred to Committee on Judiciary, 40; from committee, with recommendation do not pass, 44. (Left on file.)
- 4—An Act to amend Section 7 of the Civil Code, relating to holidays.
In Assembly: Nov. 19—Introduced by Mr. Johnson of Sacramento, read first time, and referred to Committee on Judiciary, 16; from committee, with recommendation do pass, 39; read second time, 40; reported correctly engrossed, 47; made case of urgency, 47; read third time, passed, and to Senate, 48.
In Senate: Nov. 22—Read first time, and referred to Committee on Judiciary, 40; from committee, with recommendation do not pass, 44. (Left on file.)
- 5—An Act to add a new section to the Political Code of the State of California to be known and numbered as Section 3900a, relating to the postponing of collection or payment of taxes, the postponing of delinquency for non-payment of same, the postponing of penalties, forfeitures or fines for non-payment of same, the postponing of time of preparing delinquent lists for unpaid taxes, and the duties of all persons and public officers in connection therewith, in the event of general financial stringency.
In Assembly: Nov. 19—Introduced by Mr. Johnson of Sacramento, read first time, and referred to Committee on Judiciary, 16; from committee, with recommendation do not pass, 39; read second time, 40; reported correctly engrossed, 47.
- 6—An Act making an appropriation for the contingent expenses of the Governor's office for the fifty-ninth and sixtieth fiscal years, in addition to such sums as have been heretofore appropriated.
In Assembly: Nov. 19—Introduced by Mr. Estudillo, read first time, and referred to Committee on Ways and Means, 16; from committee, with recommendation do pass, 17; Senate Bill No. 6 substituted, 42.
- 7—An Act making an appropriation to pay the claims for services of the National Guard of California and other expenses incurred by the Adjutant-General under direction of the Governor, arising and growing out of the labor troubles and strikes in the city of San Francisco in the months of May, June, and July, 1907.
In Assembly: Nov. 19—Introduced by Mr. Estudillo, read first time, and referred to Committee on Ways and Means, 16; from committee, with recommendation do pass, 17; Senate Bill No. 5 substituted, 42.

- 8—An Act transferring money from the General Fund to the State Printing Fund to defray the expense of legislative printing for the extra session of the thirty-seventh Legislature, and directing the State Controller and State Treasurer to make such transfer.

In Assembly: Nov. 20—Introduced by Mr. Estudillo, read first time, and referred to Committee on Ways and Means, 19; from committee, with recommendation do pass, 22; Senate Bill No. 12 substituted, 42.

ASSEMBLY CONCURRENT RESOLUTIONS.

- 1—Relative to the banks and banking interests in the State of California.

In Assembly: Nov. 20—Introduced by Mr. Stanton, 20; made special order, 21; action postponed, 35; ordered stricken from the file, 49.

- 2—Relative to adjournment *sine die* of the Extra Thirty-seventh Session of the Legislature.

In Assembly: Nov. 22—Introduced by Mr. Estudillo, read, and referred to Committee on Ways and Means, 46; from committee, with recommendation be adopted, 47; adopted, and to Senate, 56.

In Senate: Nov. 22—Read, and adopted, 82.

In Assembly: Nov. 22—To enrollment, 62; to Governor, 62.

SECOND EXTRA SESSION.

ASSEMBLY CONCURRENT RESOLUTIONS.

- 1—Relative to adjournment *sine die* of the Second Extra (Thirty-seventh) Session.

In Assembly: Nov. 23—Introduced by Mr. Estudillo, read and adopted, and to Senate, 85.

In Senate: Nov. 23—Read and adopted, 50.

In Assembly: To enrollment, 87.

